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Presidential Documents

Title 3—

The President

Proclamation 7464 of September 14, 2001

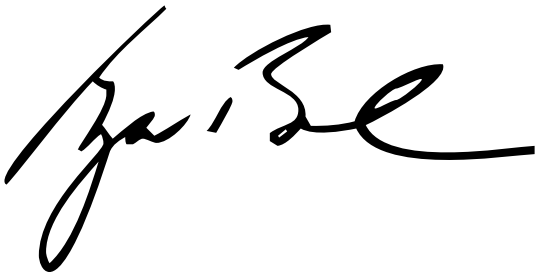
Amending Proclamation 7461, Display of the Flag at Half-Staff as a Mark of Respect for the Victims of the Incidents on Tuesday, September 11, 2001

By the President of the United States of America

A Proclamation

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, and in order to extend the display of the flag at half-staff as a mark of respect for the victims of the terrorist attacks on Tuesday, September 11, 2001, it is hereby ordered that Proclamation 7461 of September 11, 2001, is amended by deleting in the first sentence the words ''Sunday, September 16'' and inserting in their place the words ''Saturday, September 22.''

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.



[FR Doc. 01–23473
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Federal Register
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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA is issuing a final rule that relaxes certain provisions in NCUA's regulations for advertising and posting notice of nondiscrimination in real estate-related lending. The rule provides a federal credit union (FCU) with flexibility in how it gives notice when advertising and allows an FCU to display either the NCUA lobby poster or a similar poster prepared by the United States Department of Housing and Urban Development. The rule also prohibits advertising with words, symbols, models, or other forms of communication that suggest a discriminatory preference or policy of exclusion in violation of the Fair Housing Act or the Equal Credit Opportunity Act.

DATES: This rule is effective October 19, 2001.

FOR FURTHER INFORMATION CONTACT: Paul M. Peterson, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6555.

SUPPLEMENTARY INFORMATION:

A. Background

In April 2001, the NCUA Board published a proposed rule to relax certain provisions in NCUA's regulations for advertising and posting notice of nondiscrimination in real estate-related lending. 66 FR 20945, April 26, 2001. The Board issued the proposed rule out of concern that the existing requirements were less flexible than the Fair Housing Act and associated United States Department of Housing and Urban Development (HUD) guidance require. 42 U.S.C. 3604(c); 24 CFR 109.30(a) (1995) (removed from CFR by 61 FR 14378, April 1, 1996). This final rule adopts the language of the proposed rule without changes.

The existing rule mandates FCUs give notice of nondiscrimination when advertising real estate-related lending through use of a particular logotype and specific language. The final rule replaces the existing rule's specific requirement with a general requirement that FCUs indicate that they do not discriminate on any prohibited basis. The final rule also provides FCUs with various ''safe harbor'' methods to satisfy this notice requirement. These safe harbor methods are not mandatory. FCUs are free to use any reasonable method to satisfy the requirement.

HUD requires that every entity subject to the Fair Housing Act display on its premises a poster containing specific nondiscrimination language. 24 CFR 110.15. Federal financial regulatory agencies may substitute a different poster, and NCUA has done so. 24 CFR 110.25(b); 12 CFR 701.31(d)(2), (3); 54 FR 21963, May 22, 1989. The final rule permits FCUs to display either the NCUA version or the HUD version of the poster.

The final rule is similar to the Federal Deposit Insurance Corporation's (FDIC) nondiscrimination in advertising rule. 12 CFR 338.3. Both this final rule and the FDIC's rule prohibit advertising with words, symbols, models, or other forms of communication that suggest a discriminatory preference or policy of exclusion in violation of the Fair Housing Act or the Equal Credit Opportunity Act. 12 CFR 338.3(b), 12 U.S.C. 1691–1691f.

B. Comments

NCUA received twelve comments on the proposed rule. The commenters generally supported the proposed rule. Most of the commenters thought the rule would be very beneficial to FCUs and several commended NCUA generally for efforts to reduce regulatory burden on credit unions.

None of the commenters recommended changes to the wording of the proposed rule. One commenter did express concern that the proposed rule might encourage some credit unions to design their own disclosure and logotype formats and that this might create confusion and misunderstanding among some FCU members. The Board notes that, although the final rule provides flexibility in exactly how an FCU gives notice of nondiscrimination, it does require that the notice ''prominently indicate * * * that the credit union makes such loans without regard to race, color, religion, national origin, sex, handicap, or familial status.'' The Board believes an FCU should have the flexibility to design its own notice of nondiscrimination, if it wishes, within the bounds of this requirement.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic effect any regulation may have on a substantial number of small credit unions, meaning those under one million dollars in assets. The NCUA Board has determined and certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA Board has determined that a regulatory flexibility analysis is not required.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, will apply only to federally-chartered credit unions. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

Paperwork Reduction Act

NCUA has determined that the proposed rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and

regulations of the Office of Management and Budget.

The Treasury and General Government Appropriations Act, 1999—-Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this final rule is not a major rule for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We requested comments on whether the proposed rules were understandable and minimally intrusive if implemented as proposed. We received no comments specifically directed to whether the rule was understandable. Almost all the commenters agreed that the rule reduced the current regulatory burden on FCUs and so was not intrusive.

List of Subjects in 12 CFR Part 701

Credit unions, Fair housing, Signs and symbols.

By the National Credit Union Administration Board, on September 13, 2001.

Becky Baker,

Secretary of the Board.

For the reasons stated above, the National Credit Union Administration amends 12 CFR part 701 as set forth below:

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3619. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. In § 701.31, revise paragraph (d) introductory text and paragraphs (d)(1) and (d)(2) to read as follows:

§ 701.31 Nondiscrimination requirements.

* * * * *

(d) *Nondiscrimination in advertising.* No federal credit union may engage in any form of advertising of real estate-related loans that indicates the credit union discriminates on the basis of race, color, religion, national origin, sex, handicap, or familial status in violation of the Fair Housing Act. Advertisements must not contain any words, symbols, models or other forms of communication that suggest a discriminatory preference or policy of exclusion in violation of the Fair Housing Act or the Equal Credit Opportunity Act.

(1) *Advertising notice of nondiscrimination compliance.* Any federal credit union that advertises real estate-related loans must prominently indicate in such advertisement, in a manner appropriate to the advertising medium and format used, that the credit union makes such loans without regard to race, color, religion, national origin, sex, handicap, or familial status.

(i) With respect to written and visual advertisements, a credit union may satisfy the notice requirement by including in the advertisement a copy of the logotype, with the legend ''Equal Housing Lender,'' from the poster described in paragraph (d)(3) of this section or a copy of the logotype, with the legend ''Equal Housing Opportunity,'' from the poster described in § 110.25(a) of the United States Department of Housing and Urban Development's (HUD) regulations (24 CFR 110.25(a)).

(ii) With respect to oral advertisements, a credit union may satisfy the notice requirement by a spoken statement that the credit union is an ''Equal Housing Lender'' or an ''Equal Opportunity Lender.''

(iii) When an oral advertisement is used in conjunction with a written or visual advertisement, the use of either of the methods specified in paragraphs (d)(1)(i) or (ii) of this section will satisfy the notice requirement.

(iv) A credit union may use any other method reasonably calculated to satisfy the notice requirement.

(2) *Lobby notice of nondiscrimination.* Every federal credit union that engages in real estate-related lending must display a notice of nondiscrimination. The notice must be placed in the public lobby of the credit union and in the public area of each office where such loans are made and must be clearly visible to the general public. The notice must incorporate either a facsimile of the logotype and language appearing in paragraph (d)(3) of this section or the logotype and language appearing at 24 CFR 110.25(a). Posters containing the logotype and language appearing in paragraph (d)(3) of this section may be obtained from the regional offices of the National Credit Union Administration.

* * * * *

[FR Doc. 01–23289 Filed 9–18–01; 8:45 am]

BILLING CODE 7535–01–U

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 707

Truth in Savings

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interim final rule; lifting mandatory compliance date.

SUMMARY: On June 21, 2001, NCUA published an interim final rule with request for comments amending its regulation that implements the Truth in Savings Act (TISA). The rule established uniform standards for the electronic delivery of disclosures required by TISA. NCUA established October 1, 2001 as the mandatory compliance date for the rule. As a result of concerns raised by commenters, NCUA is considering revising the rule to provide additional flexibility. Accordingly, NCUA is lifting the mandatory compliance date. Once a permanent final rule is issued, NCUA will afford credit unions a reasonable period of time to comply with the rule.

DATE: The mandatory compliance date of October 1, 2001 for the interim final rule published at 66 FR 33159 (June 21, 2001) is lifted.

FOR FURTHER INFORMATION CONTACT: Frank S. Kressman, Staff Attorney, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

Part 707 of NCUA's regulations implements TISA. 12 CFR part 707. The purpose of part 707 and TISA is to assist members in making meaningful comparisons among accounts offered by credit unions and other financial institutions. Part 707 and TISA require, among other things, disclosure of yields, fees and other terms concerning share accounts to members at account opening, upon request, when changes in terms occur and in periodic statements.

Many of these disclosures must be written.

In April 2001, The Board of Governors of the Federal Reserve System (Federal Reserve) issued an interim rule amending its Regulation DD, which implements TISA (April 2001 Interim Rule). 66 FR 17795 (April 4, 2001). That rule established uniform standards for the timing and electronic delivery of disclosures required by TISA and Regulation DD, and addressed electronic advertisements.

TISA requires NCUA to promulgate regulations substantially similar to those promulgated by the Federal Reserve within 90 days of the effective date of the Federal Reserve's rules. 12 U.S.C. 4311(b). In doing so, NCUA is to take into account the unique nature of credit unions and the limitations under which they may pay dividends on member accounts. In compliance with TISA, NCUA published an interim final rule with request for comments in June 2001 that is substantially similar to the Federal Reserve's April 2001 Interim Rule. 66 FR 33159 (June 21, 2001).

B. Lifting the Mandatory Compliance Date

In August 2001, the Federal Reserve issued an interim final rule that lifted the October 1, 2001 mandatory compliance date. This enables the Federal Reserve to address concerns noted by commenters regarding operational issues raised by the April 2001 Interim Rule. Accordingly, to fulfill our statutory obligation under TISA, the NCUA is also lifting the October 1, 2001 mandatory compliance date.

Credit unions may continue to provide electronic disclosures under their existing policies and practices if they comply with the Electronic Signatures in Global and National Commerce Act (E-Sign Act), as discussed more fully below, or they may follow the interim rule issued by NCUA in June 2001, until the NCUA issues a permanent rule.

C. Withdrawal of the 1999 Interim Rule Unaffected

The E-Sign Act was enacted in June 2000, to encourage the continued expansion of electronic commerce. It generally provides that electronic documents and signatures have the same validity as paper documents and handwritten signatures. It provides that consumer disclosures may be provided in electronic form only if the consumer affirmatively consents after receiving information specified in the statute. The consumer consent provisions in the E-Sign Act became effective October 1, 2000. In September 1999, before enactment of the E-Sign Act, the Federal Reserve issued an interim rule that also amended Regulation DD (September 1999 Interim Rule), but did not specify the manner or form of consumer's consent to electronic disclosures. 64 FR 49846 (September 14, 1999). With the issuance of the April 2001 Interim Rule, which sets forth the general rule that an institution subject to Regulation DD may provide disclosures electronically only if the institution complies with § 101(c) of the E-Sign Act, the Federal Reserve has withdrawn the September 1999 Interim Rule. The lifting of the October 1, 2001 mandatory compliance date has no effect on the withdrawal of the September 1999 Interim Rule.

Interim Final Rule

The NCUA Board is issuing this rule as an interim final rule because there is a strong public interest in having in place consumer oriented rules that are consistent with those recently promulgated by the Federal Reserve. Additionally, as discussed above, NCUA is statutorily required to issue rules substantively similar to those of the Federal Reserve within 90 days of the effective date of the Federal Reserve's rules. Accordingly, for good cause, the Board finds that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedures are impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule will be effective immediately and without 30 days advance notice of publication.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact agency rulemaking may have on a substantial number of small credit unions. For purposes of this analysis, credit unions under $1 million in assets are considered small credit unions.

This interim final rule provides credit unions with the flexibility of voluntarily using an optional and alternative method of delivering certain required disclosures. Credit unions are free to choose not to utilize this alternative. Credit unions that choose to use this alternative will likely realize a reduction in their costs of delivery as a result. The NCUA has determined and certifies that this interim final rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that these amendments to part 707 do not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This interim final rule applies to all federally-insured credit unions, but does not have substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this interim final rule does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this rule is not a major rule for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 12 CFR Part 707

Advertising, Consumer protection, Credit unions, Reporting and recordkeeping requirements, Truth in savings.

By the National Credit Union Administration Board on September 13, 2001.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–23288 Filed 9–18–01; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 01F–0142]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a mixture of peroxyacetic acid, octanoic acid, acetic acid, hydrogen peroxide, peroxyoctanoic acid, and 1-hydroxyethylidene-1,1-diphosphonic acid as an antimicrobial agent on poultry carcasses, poultry parts, and organs. This action is in response to a petition filed by Ecolab, Inc.

DATES: This rule is effective September 19, 2001. Submit written objections and requests for a hearing by October 19, 2001. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in § 173.370 as of September 19, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, 202–418–3074.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 30, 2001 (66 FR 17430), FDA announced that a food additive petition (FAP 1A4728) had been filed by Ecolab, Inc., Ecolab Center, 370 Wabasha St., St. Paul, MN 55102. The petition proposed to amend the food additive regulations in part 173 *Secondary Direct Food Additives Permitted in Food for Human Consumption* (21 CFR part 173) to provide for the safe use of a mixture of peroxyacetic acid, octanoic acid, acetic acid, hydrogen peroxide, peroxyoctanoic acid, and 1-hydroxyethylidene-1,1-diphosphonic acid as an antimicrobial agent on poultry carcasses, poultry parts, and organs.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe and the additive will achieve its intended technical effect as an antimicrobial agent on poultry carcasses, poultry parts, and organs. Therefore, 21 CFR 173.370 is amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

In the notice of filing, FDA gave interested parties an opportunity to submit comments on the petitioner's environmental assessment. FDA received no comments in response to that notice.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by October 19, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in the brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

2. Section 173.370 is amended by revising paragraphs (b) and (c) to read as follows:

§ 173.370 Peroxyacids.

* * * * *

(b)(1) The additive is used as an antimicrobial agent on red meat carcasses in accordance with current industry practice where the maximum concentration of peroxyacids is 220 parts per million (ppm) as peroxyacetic acid, and the maximum concentration of hydrogen peroxide is 75 ppm.

(2) The additive is used as an antimicrobial agent on poultry carcasses, poultry parts, and organs in accordance with current industry standards of good manufacturing practice (unless precluded by the U.S. Department of Agriculture's standards of identity in 9 CFR part 381, subpart P) where the maximum concentration of peroxyacids is 220 parts per million (ppm) as peroxyacetic acid, the maximum concentration of hydrogen peroxide is 110 ppm, and the maximum concentration of 1-hydroxyethylidene-1,1-diphosphonic acid (HEDP) is 13 ppm.

(c) The concentrations of peroxyacids and hydrogen peroxide in the additive are determined by a method entitled ''Hydrogen Peroxide and Peracid (as Peracetic Acid) Content,'' July 26, 2000, developed by Ecolab, Inc., St. Paul, MN, which is incorporated by reference. The concentration of 1-hydroxyethylidene-

1,1-diphosphonic acid is determined by a method entitled ''Determination of 1-hydroxyethylidene-1,1-diphosphonic acid (HEDP) Peroxyacid/Peroxide-Containing Solutions,'' August 21, 2001, developed by Ecolab, Inc., St. Paul, MN, which is incorporated by reference. The Director of the Office of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of these methods from the Division of Petition Review, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, or you may examine a copy at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: September 6, 2001.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–23263 Filed 9–18–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Western Alaska–01–002]

RIN 2115–AA97

Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, Alaska

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; correction.

SUMMARY: The Coast Guard is correcting the effective period for a temporary final rule for a safety zone in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska, that was published in the **Federal Register** on August 21, 2001 and then amended in the **Federal Register** on August 29, 2001. This correction is being made because of a revision in the window of time that the rocket is now scheduled to launch. This correction changes the effective period from 2 p.m. to 7:30 p.m. on September 17, 2001, to the same hours each day from September 21, 2001 through September 29, 2001.

DATES: 33 CFR 165.T–01–002 published August 21, 2001 (66 FR 43776), corrected August 29, 2001 (66 FR 45619), and as further corrected in this document, is effective September 21, 2001 through September 29, 2001.

ADDRESSES: The public docket for this rulemaking is maintained by Coast Guard Marine Safety Office Anchorage, 510 ''L'' Street, Suite 100, Anchorage, AK 99501. Materials in the public docket are available for inspection and copying at Coast Guard Marine Safety Office Anchorage. Normal office hours are 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Diane Kalina, Marine Safety Office Anchorage, at (907) 271–6700.

SUPPLEMENTARY INFORMATION: The Coast Guard published a temporary final rule in the **Federal Register** on August 21, 2001, (66 FR 43774) establishing a temporary safety zone in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska, effective from 2 p.m. on August 31, 2001 through 7:30 p.m. on September 15, 2001. We then published a correction in the **Federal Register** on August 29, 2001 (66 FR 45619) changing the effective period to a single day, September 17, 2001, to reflect a change in the launch schedule. The zone is needed to protect the safety of persons and vessels operating in the vicinity during a rocket launch from the Alaska Aerospace Development Corporation (AADC), Narrow Cape, Kodiak Island facility. The AADC recently revised the window of time for the rocket to launch to September 21, 2001 through September 29, 2001. The Coast Guard is amending the effective period of the rule to correspond with the new schedule for the launch. This correction changes the one-day effective period, September 17, 2001, to a 9-day effective period, September 21, 2001 through September 29, 2001.

In rule FR Doc. 01–21083 published on August 21, 2001 (66 FR 43774), as amended by a correction published on August 29, 2001 (66 FR 45619), make the following corrections. On page 43775, in the first column, starting on line 3, remove the words ''on September 17, 2001'' and add in its place the words ''each day between September 21, 2001 and September 29, 2001''. On page 43775, in the first column, starting on line 27, remove the words ''on September 17, 2001'' and add in its place the words ''each day between September 21, 2001 and September 29, 2001''. On page 43775, in the second column, starting on line 36, remove the words ''on September 17, 2001'' and add in its place the words ''from September 21, 2001 to September 29, 2001''. On page 43776, in the second column, starting on line 4, remove the words ''from 2 p.m. through 7:30 p.m. on September 21, 2001'' and add in its place the words ''from 2 p.m. through 7:30 p.m. each day from September 21, 2001 through September 29, 2001''.

Dated: September 6, 2001.

W.J. Hutmacher,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 01–23340 Filed 9–14–01; 4:51 pm]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD059/71/98/114–3077; FRL–7057–4]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans, Corrections to the Base Year Inventories, and Contingency Measures for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions establish the three percent per year emission reduction rate-of-progress (ROP) requirement for the period from 1996 through 2005 for the Maryland portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area), namely Cecil County. EPA is also approving contingency measures for failure to meet ROP and corrections to the 1990 base year inventories of ozone precursor emissions for Cecil County. EPA is approving these revisions in accordance with the requirements of the Clean Air Act.

EFFECTIVE DATE: This final rule is effective on October 19, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Kristeen Gaffney, (215) 814–2092. Or by e-mail at *gaffney.kristeen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 13, 2001 (66 FR 36717), EPA published a notice of proposed

rulemaking (NPR) for the State of Maryland. The NPR proposed approval of the post 1996 ROP plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia ozone nonattainment area submitted by the State of Maryland on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000. The NPR also proposed approval of revisions to the 1990 base year emissions inventories for Cecil County and the contingency plan for failure to meet ROP for Cecil County.

Other specific requirements of Maryland's SIP revisions for the ROP plans, base year inventory corrections and contingency plans for Cecil County and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Actions

Final Action: EPA is approving the post 1996 ROP plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area submitted on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

Final Action: EPA is approving corrections to the 1990 base year emissions inventories for Cecil County, submitted on December 24, 1997.

Final Action: EPA is approving the contingency plans for failure to meet ROP for Cecil County submitted on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

III. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the post 1996 ROP plans, inventory corrections and contingency plans for the Cecil County, Maryland portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: September 10, 2001.

Donald S. Welsh,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart V—Maryland

2. Section 52.1075 is amended by adding paragraph (h) to read as follows:

§ 52.1075 1990 base year emission inventory.

* * * * *

(h) EPA approves revisions to the Maryland State Implementation Plan amending the 1990 base year emission inventories for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile and non-road mobile source emission inventories for volatile organic compounds and nitrogen oxides in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area.

3. Section 52.1076 is amended by adding paragraph (f) to read as follows:

§ 52.1076 Control strategy and rate-of-progress plans: ozone.

* * * * *

(f)(1) EPA approves revisions to the Maryland State Implementation Plan for post 1996 rate of progress plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(2) EPA approves the contingency plans for failure to meet rate of progress in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area for milestone years 1999, 2002 and 2005. These plans were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

* * * * *

[FR Doc. 01–23222 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[FRL–7057–8]

Final Approval of the Clean Air Act, Section 112(l), Delegation of Authority to Washington Department of Ecology and Four Local Air Agencies in Washington

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to the authority of Clean Air Act (CAA), section 112(l), The United States Environmental Protection Agency, Region 10 (EPA) approves the State of Washington Department of Ecology's (Ecology) request, and the requests of four local air pollution control agencies in Washington, for program approval and delegation of authority to implement and enforce specific federal National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations (as they apply to both part 70 and non-part 70 sources) which have been adopted into state law. EPA delegates these programs to Ecology for the purpose of direct implementation and enforcement (within Ecology's jurisdiction). EPA also delegates these programs to the following four local agencies: the Benton Clean Air Authority (BCAA), the Olympic Air Pollution Control Authority (OAPCA), the Spokane County Air Pollution Control Authority (SCAPCA), and the Yakima Regional Clean Air Authority (YRCAA).

EPA also approves a mechanism by which Ecology and the four local agencies will receive delegation of future NESHAPs; and waives its notification requirements such that sources within Ecology, BCAA, and SCAPCA's jurisdictions only need to send notifications and reports to Ecology, BCAA, or SCAPCA, and do not need to send a copy to EPA.

Delegation to the remaining local agencies in the State of Washington (the Northwest Air Pollution Authority, the Puget Sound Clean Air Agency, and the Southwest Air Pollution Control Authority) was promulgated in a direct final rule on December 1, 1998. A correction and clarification to that direct final rule was published on February 17, 1999, and amendments updating this delegation were published on April 22, 1999, and February 28, 2000.

DATES: This rule becomes effective on October 19, 2001.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, US EPA, Region 10 (OAQ–107), 1200 Sixth Avenue, Seattle, WA, 98101, (206) 553–1172.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Comments
II. Corrections & Clarifications
III. Today's Action
IV. Implications
V. Summary
VI. Administrative Requirements

I. Comments

EPA received comments from SCAPCA and BCAA in response to the proposed notice published on July 3, 2001 (see 66 FR 35115).

Pursuant to 40 CFR 61.04(b), 63.9(a)(4)(ii) and 63.10(a)(4)(ii), BCAA amended its delegation request to ask EPA to waive the requirement that sources submit certain notifications and reports to EPA, as well as BCAA (the delegated agency). BCAA stated that the duplication of effort would pose an added burden on the local sources and the local authority, and that this requirement may prove to be a source of confusion for sources. BCAA demonstrated that it has the resources to adequately review such notices. Thus, today's final action grants BCAA's request and waives the requirement that sources provide notifications and reports to EPA in addition to BCAA. The waiver is the same as that approved for Ecology and SCAPCA. (Note, this waiver applies only to notifications and reports pertaining to those authorities that are delegated to the local agency. Some General Provisions authorities are retained by EPA and sources subject to a delegated NESHAP should continue to send responsive materials to EPA for Administrator decision. The delegated agency should be copied on these submissions to EPA. For more information, see the sections below titled, ''How does this Delegation Affect the Regulated Community'' and ''Where Will the Regulated Community Send Notifications and Reports?)''

SCAPCA submitted comments requesting further clarification about: (1) The requirement that agencies input information for all area sources subject to delegated standards in AIRS (Aerometric Information Retrieval System (AIRS)—the national EPA air depository database); and (2) what documents must be submitted to EPA when SCAPCA carries-out its delegated General Provisions authorities.

In response to SCAPCA's comment #1, all major sources must be entered into AIRS. All area sources subject to part 61 or receiving an administrative order or civil referral must be entered into AIRS. MACTRAX (EPA's part 63

database) reporting is required for all major and area sources subject to a MACT. If an agency enters its major and area source data into AIRS, a local agency need not submit semi-annual and annual MACTRAX reports.

In response to SCAPCA's comment #2, only copies of determinations made by the delegated agency in carrying-out General Provisions authorities need to be submitted to EPA in most cases. The delegated agency is not required to forward all materials sources send to them in order to make these determinations, unless these are specifically required as a condition of this delegation (*see* the section titled, ''What are Ecology and the Four Local Agencies Reporting Requirements to EPA'' below).

II. Corrections & Clarifications

The part 63 table on page 35123 at the end of the proposed rule indicates that part 63, subpart LL (Primary Aluminum Reduction Plants) is delegated to NWAPA and PSCAA, yet footnote #11 states that this subpart cannot be delegated to local agencies in Washington because Ecology retains exclusive authority to regulate such sources pursuant to the Washington Administrative Code (WAC) 173–405–012. Today's action clarifies that EPA is not delegating subpart LL to any local agencies because no local agency in Washington can receive such delegation. The Revised Code of Washington (RCW) 70.94.395 provides Ecology with authority to exclusively regulate a particular class of air contaminant sources on a state-wide basis. Ecology has exercised that authority pursuant to WAC 173–415–010 to regulate Primary Aluminum Plants. Today's action also clarifies that the reference to WAC 173–415–012 in footnote #11 was incorrect, and will be corrected to WAC 173–405–010.

III. Today's Action

What Action Is EPA Taking Today?

In this action, under the authority of CAA section 112(l)(5) and 40 CFR 63.91, EPA approves of Ecology's request, and the requests of BCAA, OAPCA, SCAPCA and YRCAA, for program approval and delegation of authority to implement and enforce specific 40 CFR parts 61 and 63 subparts, as listed in the tables at the end of this rule. Along with these specific standards, EPA delegates certain General Provisions authorities, as explained below. EPA delegates this authority to Ecology for the purpose of direct implementation (within Ecology's jurisdiction). EPA also delegates this authority to BCAA, OAPCA, SCAPCA and YRCAA.

In this action, EPA waives its notification requirements such that sources within Ecology, BCAA, and SCAPCA's jurisdictions would only need to send notifications and reports to Ecology, BCAA, or SCAPCA, and would *not* need to send a copy to EPA. (Sources within OAPCA and YRCAA's jurisdictions will need to continue sending notifications to both the respective agency and EPA).

Under the authority of CAA section 112(l)(5) and 40 CFR 63.91, EPA is also approving Ecology and the four locals agencies' mechanism for streamlining future delegation of those federal NESHAP regulations that are adopted unchanged into state and local laws. This mechanism is explained in a separate paragraph below.

Delegation to the remaining local agencies in the State of Washington—the Northwest Air Pollution Authority (NWAPA), the Puget Sound Clean Air Agency (Puget Sound Clean Air), and the Southwest Air Pollution Control Authority (SWAPCA)—was promulgated in a direct final rule on December 1, 1998 (*see* 63 FR 66054) and became effective on February 1, 1999. A correction and clarification to that direct final rule was published on February 17, 1999 (*see* 64 FR 7793). Additionally, amendments updating this delegation were published on April 22, 1999 (*see* 64 FR 19719) and February 28, 2000 (*see* 65 FR 10391). Therefore, this action will not apply to NWAPA, Puget Sound Clean Air, or SWAPCA.

What Specific Standards Does EPA Delegate?

EPA delegates certain 40 CFR parts 61 and 63 NESHAPs in effect on July 1, 2000, as adopted by reference into WAC 173–400–075 on November 22, 2000. The specific standards are identified in the tables at the end of this rule. In most cases, this delegation applies to all sources (exceptions are described below).

EPA agrees with the position of the State of Washington Office of the Attorney General that the November 22, 2000, revision to WAC 173–400–075(5)(a) adopts as state rules those parts of part 63 that EPA delegates. A revision to the state rule, which clarifies the provision, is being processed by the State.

EPA delegates 40 CFR part 61, subpart M (Asbestos NESHAP) to Ecology, BCAA, and OAPCA as it applies to major sources only (per their requests). Also, EPA delegates 40 CFR part 63, subpart M (Perchloroethylene Dry Cleaning NESHAP) to Ecology and YRCAA for major sources only.

Ecology has a working relationship with BCAA to manage the Asbestos NESHAP for sources located on the Hanford Nuclear Reservation. Ecology retains enforcement authority for the Asbestos NESHAP consistent with RCW 70.105.240. EPA acknowledges this managerial relationship between Ecology and BCAA concerning the Asbestos NESHAP since both agencies are delegated the authority to implement this program. However, EPA asserts that Ecology retains enforcement authority for sources located on the Hanford Nuclear Reservation because Ecology is the enforcing agency.

What Specific Standards Does EPA Not Delegate?

EPA does not delegate to Ecology and the four local agencies any 40 CFR part 61 subparts pertaining to radon or radionuclides. Typically, EPA delegates all standards adopted (and requested) by an air agency and in effect as of a certain date, regardless of whether or not there are any applicable sources within that agency's jurisdiction. As an exception, EPA is not delegating the 40 CFR part 61 subparts pertaining to radon or radionuclides which includes: subparts B, H, I, K, Q, R, T, and W. EPA has determined that there are either no sources in these agencies' jurisdictions (and that no new sources are likely to emerge), or if there are sources, the agency does not have sufficient expertise to implement these NESHAPs.

The Washington State Department of Health is currently implementing 40 CFR part 61, subparts H and I as the state radionuclide standards for the State of Washington. The Department of Health had received interim delegation for these two radionuclide standards (as they pertain to part 70 sources only) on August 2, 1995 (*see* 60 FR 39263). However, this interim delegation lapsed on November 9, 1996, because the State had not received full approval of the Washington Title V operating permits program. (*see* 60 FR 39264). Therefore, EPA is currently responsible for federal implementation of 40 CFR part 61, subparts H and I. (Note: EPA recently received a request from the Department of Health for delegation of federal radionuclide standards at 40 CFR part 61, subparts H and I. EPA is evaluating this request.)

Additionally, EPA is not delegating the regulations that implement CAA sections 112(g) and 112(j), codified at 40 CFR part 63, subpart B, to Ecology and the four local agencies. EPA recognizes that subpart B need not be delegated under the section 112(l) approval

process. When promulgating the regulations implementing CAA section 112(g), EPA stated its view that ''the Act directly confers on the permitting authority the obligation to implement section 112(g) and to adopt a program which conforms to the requirements of this rule. Therefore, the permitting authority need not apply for approval under section 112(l) in order to use its own program to implement section 112(g)'' (*see* 61 FR 68397). Similarly, when promulgating the regulations implementing section 112(j), EPA stated its belief that ''section 112(l) approvals do not have a great deal of overlap with the section 112(j) provision, because section 112(j) is designed to use the Title V permit process as the primary vehicle for establishing requirements'' (*see* 59 FR 26447). Therefore, state or local agencies implementing the requirements under sections 112(g) and 112(j) do not need approval under section 112(l).

What General Provisions Authorities Does EPA Delegate?

In a memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July 10, 1998, entitled, ''Delegation of 40 CFR Part 63, General Provisions Authorities to State and Local Air Pollution Control Agencies,'' EPA clarified which of the authorities in the General Provisions may and may not be delegated to state and local agencies under 40 CFR part 63, subpart E. Based on this memo, EPA delegates the part 63, subpart A, sections that are listed below. Delegation of these General Provisions authorities will enable Ecology and the four local agencies to carry out the Administrator's responsibilities in these sections of subpart A. In delegating these authorities, EPA grants Ecology and the four local agencies the authority to make decisions which are not likely to be nationally significant or to alter the stringency of the underlying standard. The intent is that these agencies will make decisions on a source-by-source basis, *not* on a source category-wide basis.

TABLE 1.—PART 63, SUBPART A, GENERAL PROVISIONS AUTHORITIES WHICH EPA PROPOSES TO DELEGATE TO ECOLOGY AND THE FOUR LOCALS

Section	Authorities
63.1	Applicability Determinations
63.6(e)	Operation and Maintenance Requirements—Responsibility for Determining Compliance.
63.6(f)	Compliance with Non-Opacity Standards—Responsibility for Determining Compliance.
63.6(h) [except 63.6(h)(9)]	Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance.
63.7(c)(2)(i) and (d)	Approval of Site-Specific Test Plans.
63.7(e)(2)(i)	Approval of Minor Alternatives to Test Methods.
63.7(e)(2)(ii) and (f)	Approval of Intermediate Alternatives to Test Methods.
63.7(e)(2)(iii)	Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors.
63.7(e)(2)(iv) and (h)(2), (3)	Waiver of Performance Testing.
63.8(c)(1) and (e)(1)	Approval of Site-Specific Performance Evaluation (monitoring) Test Plans.
63.8(f)	Approval of Minor Alternatives to Monitoring.
63.8(f)	Approval of Intermediate Alternatives to Monitoring.
63.9 and 63.10 [except 63.10(f)]	Approval of Adjustments to Time Periods for Submitting Reports.

In delegating 40 CFR 63.9 and 63.10, ''Approval of Adjustments to Time Periods for Submitting Reports,'' these agencies now have the authority to approve adjustments to the timing that reports are due, but do not have the authority to alter the contents of the reports. For Title V sources, semiannual and annual reports are required by part 70 and nothing herein will change that requirement.

What General Provisions Authorities Are Automatically Granted as Part of These Agencies' Part 70 Operating Permits Program Approval?

Certain General Provisions authorities are automatically granted to Ecology and the four local agencies as part of their part 70 operating permits program approval (regardless of whether the operating permits program approval is interim or final). These are 40 CFR 63.6(i)(1), ''Extension of Compliance with Emission Standards,'' and 63.5(e) and (f), ''Approval and Disapproval of Construction and Reconstruction.''[1] Additionally, for 40 CFR 63.6(i)(1), Ecology and the four local agencies do not need to have been delegated a particular standard or have issued a part 70 operating permit for a particular source to grant that source a compliance extension. However, Ecology or the local agency must have authority to implement and enforce the particular standard against the source in order to grant that source a compliance extension.

What General Provisions Authorities Are Not Delegated?

In general, EPA does not delegate any authorities that require implementation through rulemaking in the **Federal Register**, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. The types of authorities that EPA retains are: equivalency determinations, approval of alternative test methods, decisions where federal oversight is needed to ensure national consistency, and any decision that requires rulemaking to implement. The authorities listed in the table below (also mentioned in the footnotes of the parts 61 and 63 delegation tables at the end of this rule) are the specific General Provisions authorities that cannot be delegated to any state or local agency, which EPA therefore retains.[2]

[1] Sections 112(i)(1) and (3) state that ''Extension of Compliance with Emission Standards'' and ''Approval and Disapproval of Construction and Reconstruction'' can be implemented by the ''Administrator (or a State with a permit program approved under Title V).'' EPA interprets that this authority does not require delegation through Subpart E and, instead, is automatically granted to States as part of their part 70 operating permits program approval.

[2] For authorities not addressed in this rulemaking and not identified in any part 61 or 63 subparts as authorities that cannot be delegated, the agencies may assume that the authorities in question are delegated.

TABLE 2.—PARTS 61 AND 63, SUBPART A, GENERAL PROVISIONS AUTHORITIES WHICH EPA CANNOT DELEGATE TO STATE AND LOCAL AGENCIES

Section	Authorities
61.04(b)	Waiver of Recordkeeping.
61.12(d)(1)	Approval of Alternative Means of Emission Limitation.
61.13(h)(1)(ii)	Approval of Major Alternatives to Test Methods.
61.14(g)(1)(ii)	Approval of Major Alternatives to Monitoring.
61.16	Availability of Information.
61.53(c)(4)	List of Approved Design, Maintenance, and Housekeeping Practices for Mercury Chlor-alki Plants.
63.6(g)	Approval of Alternative Non-Opacity Emission Standards.
63.6(h)(9)	Approval of Alternative Opacity Standard.
63.7(e)(2)(ii) and (f)	Approval of Major Alternative to Test Methods.
63.8(f)	Approval of Major Alternatives to Monitoring
63.10(f)	Waiver of Recordkeeping—all.

IV. Implications

What Changes Does This Delegation Create?

Ecology and the four local agencies now have primary implementation and enforcement responsibility for the adopted NESHAP regulations. This means that sources subject to the delegated standards will send notifications and reports to these agencies and send a copy to EPA (except for those sources within Ecology, BCAA, and SCAPCA's jurisdictions). Questions and compliance issues will also be directed to these agencies. As with any delegation, however, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112. Additionally, if approved, EPA will retain certain General Provisions authorities, as explained above.

How Does This Delegation Affect the Regulated Community?

Once a state or local agency has been delegated the authority to implement and enforce a NESHAP, the delegated agency (in this case, Ecology and the four locals) becomes the primary point of contact with respect to that NESHAP. As a result of today's action, regulated facilities will direct questions and compliance issues to these agencies. Additionally, all pending questions and compliance issues, even those which may currently be under consideration by EPA, will be resolved by Ecology or the appropriate local agency.

For those authorities that are NOT delegated—those noted in Table 2 or any section of 40 CFR parts 61 and 63 that specifically indicates that authority may not be delegated—affected sources will continue to work with EPA as its primary contact and submit materials directly to EPA for Administrator decision. In these specific cases, the delegated agency should be copied on all submittals, questions, requests, etc.

Where Will the Regulated Community Send Notifications and Reports?

Facilities within OAPCA and YRCAA's jurisdictions will need to submit notifications directly to the respective agency, and also send a copy to EPA.

Pursuant to 40 CFR 61.04(b), 63.9(a)(4)(ii), and 63.10(a)(4)(ii), EPA waives the requirement for sources to submit notifications to Ecology, BCAA, and SCAPCA as well as EPA. Facilities within Ecology, BCAA, and SCAPCA's jurisdictions need to submit notifications and reports only to Ecology, BCAA, or SCAPCA, and do not need to send a copy to EPA. The only exception to this is when sources are submitting materials pertaining to authorities that are not delegated.

How Does This Delegation Affect Indian Country?

The delegation proposed for Ecology and the four local agencies to implement and enforce NESHAPs does not extend to sources or activities located in Indian country, as defined in 18 U.S.C.1151. ''Indian country'' is defined under 18 U.S.C. 1151 as: (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (2) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Under this definition, EPA treats as reservations trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Consistent with previous federal program approvals or delegations, EPA will continue to implement the NESHAPs in Indian country because these agencies did not adequately demonstrate their authority over sources and activities located within the exterior boundaries of Indian reservations and other areas in Indian country.

What Are Ecology and the Four Local Agencies' Reporting Requirements to EPA?

In delegating the authority to implement and enforce these rules, EPA requires that these delegated agencies submit the following to EPA:

(1) These agencies must input all minimum reportable requirements into the AIRS Facility Subsystem (AFS) of the Aerometric Information Retrieval System (AIRS) for both point and area sources. The agencies must enter the information into the AIRS/AFS system by September 30 of each year;

(2) These agencies must report to EPA all reportable requirements for MACTRAX twice a federal fiscal year (semiannual and annually) (MACTRAX provides the summary data for each implemented NESHAP that EPA uses to evaluate the Air Toxics Program);

(3) These agencies must also provide any additional compliance related information to EPA as agreed upon in the Compliance Assurance Agreement;

(4) In receiving delegation for specific General Provisions authorities, these agencies must submit to EPA copies of determinations issued pursuant to these authorities, listed in Table 1 above;

(5) These agencies must also forward to EPA copies of any notifications received pursuant to § 63.6(h)(7)(ii) pertaining to the use of a continuous opacity monitoring system; and

(6) These agencies must submit to EPA's Emission Measurement Center of the Emissions Monitoring and Analysis

Division copies of any approved intermediate changes to test methods or monitoring. (For definitions of major, intermediate, and minor alternative test methods or monitoring methods, see the July 10, 1998, memorandum from John Seitz, referenced above). These intermediate test methods or monitoring changes should be sent via mail or facsimile to: Chief, Source Categorization Group A, U.S. EPA (MD–19), Research Triangle Park, NC 27711, Facsimile telephone number: (919) 541–1039.

How Will These Agencies Receive Delegation for Future and Revised Standards?

Ecology or a local agency will receive delegation of future standards by the following process:

(1) Ecology or the local agency will send a letter to EPA requesting delegation for future NESHAP standards adopted by reference into state or local regulations;

(2) EPA will send a letter of response back to Ecology or the local agency granting this delegation request (or explaining why EPA cannot grant the request);

(3) Ecology or the local agency does not need to send a response back to EPA;

(4) If EPA does not receive a negative response from Ecology or the local agency within 10 days of EPA's letter to Ecology or the local agency, then the delegation will be final 10 days after the date of the letter from EPA; and

(5) Periodically, EPA will publish a notice in the **Federal Register** informing the public of the updated delegation.

How Frequently Should These Agencies Update Their Delegation?

Ecology and the four local agencies should update their incorporations by reference of 40 CFR parts 61 and 63 standards and request updated delegation annually, as current standards are revised and new standards are promulgated.

V. Summary

Pursuant to the authority of CAA section 112(l) of the Act and 40 CFR part 63, subpart E, EPA approves Ecology's request, and the requests of BCAA, OAPCA, SCAPCA and YRCAA, for program approval and delegation of authority to implement and enforce specific 40 CFR parts 61 and 63 federal NESHAP regulations (as they apply to both part 70 and non-part 70 sources) which have been adopted into state law. EPA delegates this authority to Ecology for the purpose of direct implementation (within Ecology's jurisdiction). EPA also delegates this authority to BCAA, OAPCA, SCAPCA and YRCAA. Additionally, EPA approves the mechanism by which Ecology and the four local agencies will receive delegation of future NESHAP regulations that are adopted unchanged into state law; and also proposes to waive the requirement for sources within Ecology, BCAA, and SCAPCA's jurisdictions to send copies of notifications and reports to EPA.

VI. Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled ''Regulatory Planning and Review.''

This rule is not subject to Executive Order 13045, entitled, ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under Executive Order 12866.

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State program and rules implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this rule.

Although section 6 of the Executive Order does not apply to this rule, EPA did consult with representatives of State and local governments in developing this rule, and this rule is in response to the State's and local's delegation request.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

This rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial

number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small government entities with jurisdiction over populations of less than 50,000.

Delegation of authority to implement and enforce unchanged federal standards under section 112(l) of the CAA does not create any new requirements but simply transfers primary implementation authorities to the State (or local) agency. Therefore, because this action does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

E. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate, or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the delegation action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

F. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

G. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

List of Subjects

40 CFR Part 61

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Reporting and recordkeeping requirements, Vinyl chloride.

40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 31, 2001.

Charles E. Findley,

Acting Regional Administrator, Region 10.

Title 40, chapter I, parts 61 and 63 of the Code of Federal Regulations is amended as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7413, 7414, 7416, 7601 and 7602.

Subpart A—General Provisions

2. Section 61.04 is amended by revising paragraphs (b)(WW)(i), (iv), (v), and (vi), by adding paragraph (b)(WW)(viii); and by revising the table in paragraph (c)(10) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(WW)(i) Washington: State of Washington, Department of Ecology (Ecology), P.O. Box 47600, Olympia, WA 98504–7600.

Note: For a table listing Ecology's delegation status, see paragraph (c)(10) of this section.

* * * * *

(iv) Spokane County Air Pollution Control Authority (SCAPCA), West 1101 College Avenue, Suite 403, Spokane, WA 99201

Note: For a table listing SCAPCA's delegation status, see paragraph (c)(10) of this section.

(v) Yakima Regional Clean Air Authority (YRCAA), 6 South 2nd, Room 1016, Yakima, WA 98901.

Note: For a table listing YRCAA's delegation status, see paragraph (c)(10) of this section.

(vi) Olympic Air Pollution Control Authority (OAPCA), 909 Sleater-Kinney Road SE, Suite 1, Lacey, WA 98503.

Note: For a table listing OAPCA's delegation status, see paragraph (c)(10) of this section.

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(viii) Benton Clean Air Authority (BCAA), 650 George Washington Way, Richland, WA 99352.

Note: For a table listing BCAA's delegation status, see paragraph (c)(10) of this section.

* * * * *

(c) * * *

(10) * * *

DELEGATION STATUS FOR PART 61 STANDARDS—REGION 10

Subpart	AK	ID	Oregon		Washington							
	ADEC [1]	IDEQ [2]	ODEQ [3]	LRAPA [4]	Ecology [5]	BCAA [6]	NWAPA [7]	OAPCA [8]	PSCAA [9]	SCAPCA [10]	SWAPCA [11]	YRCAA [12]
A. General Provisions [13]	X	.....	.....	.....	X	X	X	X	X	X	X	X
B. Radon from Underground Uranium Mines.												
C. Beryllium	.....	.....	.....	.....	X	X	X	X	X	X	X	X

DELEGATION STATUS FOR PART 61 STANDARDS—REGION 10—Continued

Subpart	AK	ID	Oregon		Washington							
	ADEC [1]	IDEQ [2]	ODEQ [3]	LRAPA [4]	Ecology [5]	BCAA [6]	NWAPA [7]	OAPCA [8]	PSCAA [9]	SCAPCA [10]	SWAPCA [11]	YRCAA [12]
D. Beryllium Rocket Motor Firing	.....	.....	.....	.....	X	X	X	X	X	X	X	X
E. Mercury	X	.....	.....	.....	X	X	X	X	X	X	X	X
F. Vinyl Chloride	.....	.....	.....	.....	X	X	X	X	X	X	X	X
H. Emissions of Radionuclides other than Radon from Dept of Energy facilities.												
I. Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H.												
J. Equipment Leaks of Benzene	X	.....	.....	.....	X	X	X	X	X	X	X	X
K. Radionuclides from Elemental Phosphorus Plants.												
L. Benzene from Coke Recovery	.....	.....	.....	.....	X	X	X	X	X	X	X	X
M. Asbestos	X [1]	.....	.....	.....	X [5]	X [6]	X	X [8]	X	X	X	X
N. Arsenic from Glass Plants	.....	.....	.....	.....	X	X	X	X	X	X	X	X
O. Arsenic from Primary Copper Smelters	.....	.....	.....	.....	X	X	X	X	X	X	X	X
P. Arsenic from Arsenic Production Facilities	.....	.....	.....	.....	X	X	X	X	X	X	X	X
Q. Radon from Dept of Energy facilities.												
R. Radon from Phosphogypsum Stacks.												
T. Radon from Disposal of Uranium Mill Tailings.												
V. Equipment Leaks	X	.....	.....	.....	X	X	X	X	X	X	X	X
W. Radon from Operating Mill Tailings.												
Y. Benzene from Benzene Storage Vessels	X	.....	.....	.....	X	X	X	X	X	X	X	X
BB. Benzene from Benzene Transfer Operations	.....	.....	.....	.....	X	X	X	X	X	X	X	X
FF. Benzene Waste Operations	X	.....	.....	.....	X	X	X	X	X	X	X	X

[1] Alaska Department of Environmental Conservation (1/18/97).

Note: Alaska received delegation for §61.145 and §61.154 of Subpart M (Asbestos), along with other sections and appendices which are referenced in §61.145, as §61.145 applies to sources required to obtain an operating permit under Alaska's regulations. Alaska has not received delegation for Subpart M for sources not required to obtain an operating permit under Alaska's regulations. .

[2] Idaho Division of Environmental Quality.

[3] Oregon Department of Environmental Quality.

[4] Lane Regional Air Pollution Authority.

[5] Washington Department of Ecology (7/1/00).

Note: Delegation of Subpart M of this Part applies to major Title V sources only, including Hanford. (Pursuant to RCW 70.105.240, only Ecology can enforce regulations at Hanford).

[6] Benton Clean Air Authority (7/1/00).

Note: Delegation of Subpart M of this Part applies to major Title V sources only (excluding Hanford).

[7] Northwest Air Pollution Authority (7/1/99).

[8] Olympic Air Pollution Control Authority (July 1, 2000). .

Note: Delegation of Subpart M of this Part applies to major Title V sources only. .

[9] Puget Sound Clean Air Agency (7/1/99).

[10] Spokane County Air Pollution Control Authority (7/1/00).

[11] Southwest Air Pollution Control Authority (8/1/98).

[12] Yakima Regional Clean Air Authority (7/1/00).

[13] Authorities which are not delegated include: §§61.04(b); 61.12(d)(1); 61.13(h)(1)(ii) for approval of major alternatives to test methods; §61.14(g)(1)(ii) for approval of major alternatives to monitoring; §61.16; §61.53(c)(4); any sections in the subparts pertaining to approval of alternative standards (i.e., alternative means of emission limitations), or approval of major alternatives to test methods or monitoring; and all authorities identified in the subparts (i.e., under ''Delegation of Authority'') that cannot be delegated. For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July 10, 1998, entitled, ''Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies.'' .

Note to paragraph (c)(10): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.99 is amended by revising the table in paragraph (a)(47)(i) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(47) * * *

(i) * * *

DELEGATION STATUS PART 63 STANDARDS—STATE OF WASHINGTON

Subpart	Ecology [2]	BCAA [3]	NNWAPA [4]	OAPCA [5]	PSCAA [6]	SCAPCA [7]	SWAPCA [8]	YRCAA [9]
A. General Provisions [1]	X	X	X	X	X	X	X	X
D. Early Reductions	X	X	X	X	X	X	X	X
F. HON–SOCMI	X	X	X	X	X	X	X	X
G. HON–Process Vents	X	X	X	X	X	X	X	X
H. HON–Equipment Leaks	X	X	X	X	X	X	X	X
I. HON–Negotiated Leaks	X	X	X	X	X	X	X	X
L. Coke Oven Batteries	X	X	X	X	X	X	X	X
M. Perchloroethylene Dry Cleaning	X [2]		X		X		X	X [9]
N. Chromium Electroplating	X	X	X	X	X	X	X	X
O. Ethylene Oxide Sterilizers	X	X	X	X	X	X	X	X
Q. Industrial Process Cooling Towers	X	X	X	X	X	X	X	X
R. Gasoline Distribution	X	X	X	X	X	X	X	X
S. Pulp and Paper [10]	X	X	X	X	X	X	X	X
T. Halogenated Solvent Cleaning	X	X	X	X	X	X	X	X
U. Polymers and Resins I	X	X	X	X	X	X	X	X
W. Polymers and Resins II–Epoxy	X	X	X	X	X	X	X	X
X. Secondary Lead Smelting	X	X	X	X	X	X	X	X
Y. Marine Tank Vessel Loading			X		X		X	
AA. Phosphoric Acid Manufacturing Plants	X	X	X	X	X	X		X
BB. Phosphate Fertilizers Production Plants	X	X	X	X	X	X		X
CC. Petroleum Refineries	X	X	X	X	X	X	X	X
DD. Off-Site Waste and Recovery	X	X	X	X	X	X	X	X
EE. Magnetic Tape Manufacturing	X	X	X	X	X	X	X	X
GG. Aerospace Manufacturing & Rework	X	X	X	X	X	X	X	X
HH. Oil and Natural Gas Production Facilities	X	X	X	X	X	X		X
II. Shipbuilding and Ship Repair	X	X	X	X	X	X	X	X
JJ. Wood Furniture Manufacturing Operations	X	X	X	X	X	X	X	X
KK. Printing and Publishing Industry	X	X	X	X	X	X	X	X
LL. Primary Aluminum [11]	X							
OO. Tanks—Level 1	X	X	X	X	X	X		X
PP. Containers	X	X	X	X	X	X		X
QQ. Surface Impoundments	X	X	X	X	X	X		X
RR. Individual Drain Systems	X	X	X	X	X	X		X
SS. Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process	X	X	X	X	X	X		X
TT. Equipment Leaks—Control Level 1	X	X	X	X	X	X		X
UU. Equipment Leaks—Control Level 2	X	X	X	X	X	X		X
VV. Oil-Water Separators and Organic-Water Separators	X	X	X	X	X	X		X
WW. Storage Vessels (Tanks)—Control Level 2			X		X			
YY. Source Categories: Generic MACT			X		X			
CCC. Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants			X		X			
DDD. Mineral Wool Production			X		X			
EEE. Hazardous Waste Combustors			X		X			
GGG. Pharmaceuticals Production			X		X			
HHH. Natural Gas Transmission and Storage Facilities			X		X			
III. Flexible Polyurethane Foam Production			X		X			
JJJ. Polymers and Resins IV			X		X		X	
LLL. Portland Cement Manufacturing			X		X			
MMM. Pesticide Active Ingredient Production			X		X			
NNN. Wool Fiberglass Manufacturing			X		X			
OOO. Manufacture of Amino Phenolic Resins.								
PPP. Polyether Polyols Production			X		X			
RRR. Secondary Aluminum Production.								
TTT. Primary Lead Smelting			X		X			
VVV. Publicly Owned Treatment Works.								

DELEGATION STATUS PART 63 STANDARDS—STATE OF WASHINGTON—Continued

Subpart	Ecology[2]	BCAA[3]	NNWAPA[4]	OAPCA[5]	PSCAA[6]	SCAPCA[7]	SWAPCA[8]	YRCAA[9]
XXX. Ferroalloys Production: Ferromanganese & Silicomanganese			X		X			

[1] General Provisions authorities which may not be delegated include: §§ 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; § 63.8(f) for approval of major alternatives to monitoring; § 63.10(f); and all authorities identified in the subparts (i.e., under ''Delegation of Authority'') that cannot be delegated. For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, ''Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies.''

[2] Washington Department of Ecology (July 1, 2000).

Note: Delegation of Subpart M to Ecology applies to Part 70 sources only.

[3] Benton Clean Air Authority (July 1, 2000).

[4] Northwest Air Pollution Authority (July 1, 1999).

[5] Olympic Air Pollution Control Authority (July 1, 2000).

[6] Puget Sound Clean Air Agency (July 1, 1999).

[7] Spokane County Air Pollution Control Authority (July 1, 2000).

[8] Southwest Air Pollution Control Authority (August 1, 1998).

[9] Yakima Regional Clean Air Authority (July 1, 2000).

Note: Delegation of Subpart M to YRCAA applies to Part 70 sources only.

[10] Subpart S of this Part is delegated to The Washington Department of Ecology and these local agencies as it applies to all applicable facilities and processes defined in 40 CFR 63.440, except kraft and sulfite pulping mills. The Washington Department of Ecology (Ecology) retains the authority to regulate kraft and sulfite pulping mills in the State of Washington, pursuant to Washington Administrative Code (WAC) 173–405–012 and 173–410–012.

[11] Subpart LL of this Part cannot be delegated to any local agencies in Washington because Ecology retains the authority to regulate primary aluminum plants, pursuant to WAC 173–415–010.

Note to paragraph (a)(47): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

[FR Doc. 01–23311 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 99–363; FCC 01–229]

Implementation of the Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues: Good Faith Negotiation and Exclusivity

AGENCY: Federal Communications Commission.

ACTION: Final rule; order on reconsideration.

SUMMARY: This document resolves petitions for reconsideration filed by US WEST, Inc. (''US WEST'') and the Wireless Communications Association International, Inc. (''WCA'') of the Commission's First Report and Order in Implementation of the Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues: Good Faith Negotiation and Exclusivity, which adopted regulations and procedures governing the negotiation of agreements in connection with the retransmission of television broadcast station signals by multichannel video programming distributors (''MVPDs), including satellite carriers and cable systems.

DATES: Effective September 19, 2001.

FOR FURTHER INFORMATION CONTACT: Steve Broeckaert at (202) 418–7200 or via internet at *sbroecka@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration, FCC 01–229, adopted August 10, 2001; released August 15, 2001. The full text of the Commission's Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036, or may be reviewed via Internet at *http://www.fcc.gov/csb/.*

Synopsis of the Order on Reconsideration

Burden of Proof

In the First Report and Order, 65 FR 15559 (March 23, 2000), the Commission placed the burden of proof on the MVPD complainant to establish that a broadcaster violated its duty to negotiate retransmission consent in good faith. The Commission found this conclusion to be consistent with labor law precedent, which also places the burden on the complainant. The Commission also found that placing the burden of proof on the MVPD complainant to be consistent with its belief that generally the evidence of a violation of the good faith standard will be accessible by the complainant.

WCA and US WEST assert that the Commission should reconsider its decision to impose the burden of proof exclusively on the MVPD complainant, especially in cases in which the Commission presumes that the defendant broadcaster has not acted in good faith. Specifically, petitioners request that the Commission amend its rule to provide that when an MVPD's complaint alleges facts that, if true, would establish a *prima facie* case that a Commission presumption against a broadcaster should apply, the burden of proof will shift to the broadcaster.

We decline to establish the burden-shifting procedure suggested by US WEST and WCA. While we agree with petitioners that the Commission ''enjoys express statutory authority to conduct its proceedings in such a manner as will best conduce to the proper dispatch of business and to the ends of justice,'' US WEST and WCA have not persuaded us that reconsideration in this instance is warranted or appropriate. US WEST and WCA correctly state that the Commission, in the First Report and Order, determined that certain bargaining proposals, including proposals based on the exercise of market power by a broadcast station or other MVPDs in the market or proposals that result from agreements not to compete or to fix prices, are presumptively not consistent with the good faith negotiation requirement. We fail to see, however, how the establishment of such presumptions would lead to the shifting of the burden of proof for merely alleging facts that, *if*

true, would establish a *prima facie* case of such presumption. Under such a framework, any complainant would be able to shift the burden of proof merely by alleging that a retransmission consent proposal demonstrates the exercise of market power by the broadcaster or another MVPD in the market. We do not see such a result intended in either the language or the legislative history of the statute, and despite petitioner's argument to the contrary, we fail to perceive a sensible way to interpret Congress' silence on this issue as a reason to shift the burden of proof to the broadcaster in such cases. Nor do we believe that our procedures will allow a broadcaster to be other than vigorous in its defense. As the Commission noted in the First Report and Order, placing the burden of proof on the complainant:

* * * should not be interpreted as permitting a broadcaster to remain mute in the face of allegations of a [good faith] violation. After service of a complaint, a broadcaster must file an answer as required by Section 76.7 [of the Commission's rules], which advises the parties and the Commission fully and completely of any and all defenses, responds specifically to all material allegations of the complaint, and admits or denies the averments on which the party relies. In addition, where necessary the Commission has discretion to impose discovery requests on a defendant to a [good faith] complaint. However, in the end, the complainant must bear the burden of proving that a violation occurred.

Petitioners have failed to demonstrate that the burden of proof of establishing a good faith violation should rest elsewhere. Accordingly, US WEST and WCA's request for reconsideration on this issue is denied.

Limitations Period

In the First Report and Order, the Commission established a one year limitations period within which a complainant must bring any complaint related to a violation of the good faith retransmission consent negotiation requirement, holding, in part, that a good faith:

complaint filed pursuant to section 325(b)(3)(C) must be filed within one year of the date any of the following occur * * * (b) a broadcaster engages in retransmission consent negotiations with a complainant MVPD that the complainant MVPD alleges violate one or more of the rules adopted herein, *and such negotiation is unrelated to any existing contract between the complainant MVPD and the broadcaster* * * *.

US WEST and WCA are concerned that, in certain circumstances, this provision of the limitations period could be applied to retransmission consent renewal negotiations thereby barring claims for good faith violations occurring during any renewal negotiations. Petitioners request that the Commission clarify that negotiations between an MVPD and a broadcaster to renew an existing retransmission consent agreement are not related to the parties' existing contract for purposes of the one-year limitations period, and that such negotiations trigger a new one-year filing period.

We grant US WEST and WCA's request for clarification. Section 325(b)(3)(C) imposes an affirmative duty on broadcasters to negotiate retransmission consent in good faith until 2006. This duty applies to all retransmission consent negotiations during this period, including renewal negotiations. The intent in adopting § 76.65(e)(2) of the Commission's rules was to ensure that complainants do not sit on grievances and that they bring good faith complaints in a timely manner. For example, if a broadcaster and MVPD negotiate a five-year retransmission consent agreement in Year 1 and subsequently encounter a dispute regarding the proper interpretation of a provision of such agreement in Year 3, § 76.65(e)(2) would bar a good faith complaint based upon the negotiations and contract executed in Year 1. On the other hand, if a broadcaster and MVPD negotiate and execute a five-year retransmission consent agreement in Year 1 and subsequently commence negotiations to renew or extend such consent in Year 4, any alleged violations of the good faith requirement stemming from such Year 4 negotiations are subject to complaint for a one-year period. An MVPD may not, however, use the commencement of such renewal or extension negotiations to raise good faith allegations solely related to the negotiations and contract executed in Year 1.

Effect of the Good Faith Rules on Pre-Existing Negotiations

US WEST asks the Commission to clarify that a broadcaster's obligation to negotiate after the effective date of the rules established in the First Report and Order attaches regardless of any negotiations that took place between the broadcaster and MVPD prior thereto. We grant US WEST's request for clarification. A broadcaster's duty to negotiate retransmission consent in good faith commenced upon the effective date of our good faith rules regardless of any prior course of negotiations.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–23267 Filed 9–18–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–01–10636]

RIN 2127–AH24

Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA); Department of Transportation.

ACTION: Correcting amendments.

SUMMARY: This rule corrects an error in the neck injury criteria that are specified for the alternative unbelted sled test included in our occupant protection standard. We revised certain of the neck injury criteria in a final rule; correcting amendment published in the **Federal Register** (63 FR 71390) on December 28, 1998. However, we have become aware that, as a result of that final rule; correcting amendment, portions of the neck injury criteria that were not revised were inadvertently deleted from the standard as published in the Code of Federal Regulations. This document reinstates the inadvertently deleted criteria.

DATES: This final rule is effective September 19, 2001.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may contact Dr. Roger A. Saul, Director, Office of Crashworthiness Standards, NPS–10. Telephone: (202) 366–1740. Fax: (202) 493–2739. E-mail: *Roger.Saul@NHTSA.dot.gov.*

For legal issues, you may contact Edward Glancy or Rebecca MacPherson, Office of Chief Counsel, NCC–20. Telephone: (202) 366–2992. Fax: (202) 366–3820.

You may send mail to these officials at the National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION: Standard No. 208, *Occupant Crash Protection,* includes among its requirements certain neck injury criteria for the unbelted sled test. On December 28, 1998, we published in the **Federal Register** (63 FR 71390) a final rule; correcting

amendment that, among other things, clarified that two of the neck injury criteria, flexion bending moment and extension bending moment, are calculated at the occipital condyle. We have become aware that, as a result of that final rule; correcting amendment, the three other neck injury criteria, axial tension, axial compression, and fore-and-aft shear, were inadvertently deleted from the standard as published in the Code of Federal Regulations. This document reinstates the inadvertently deleted criteria.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, NHTSA amends 49 CFR part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.208 is amended by revising S13.2 to read as follows:

§ 571.208 Standard No. 208; Occupant crash protection.

* * * * *

S13.2 *Neck injury criteria.* A vehicle certified to this alternative test requirement shall, in addition to meeting the criteria specified in S13.1, meet the following injury criteria for the neck, measured with the six axis load cell (ref. Denton drawing C–1709) that is mounted between the bottom of the skull and the top of the neck as shown in Drawing 78051–218, in the unbelted sled test:

(a) Flexion Bending Moment (calculated at the occipital condyle)—190 Nm. SAE Class 600.

(b) Extension Bending Moment (calculated at the occipital condyle)—57 Nm. SAE Class 600.

(c) Axial Tension—3300 peak N. SAE Class 1000.

(d) Axial Compression—4000 peak N. SAE Class 1000.

(e) Fore-and-Aft Shear—3100 peak N. SAE Class 1000.

* * * * *

Issued on: September 14, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–23342 Filed 9–18–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 091201C]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Harpoon category closure; General category adjustment of daily retention limit.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) Harpoon category annual quota for the 2001 fishing year will be attained by September 16, 2001. Therefore, the 2001 Harpoon category fishery will be closed effective at 11:30 p.m. on September 16, 2001. This action is being taken to prevent overharvest of the Harpoon category quota. NMFS has also determined that the BFT General category restricted fishing day (RFD) schedule should be adjusted; i.e., certain RFDs should be waived in order to allow for maximum utilization of the General category subquota for the September fishing period.

DATES: The Harpoon category closure is effective 11:30 p.m. local time on September 16, 2001, through May 31, 2002. The General category retention limit adjustment is effective September 16, 2001, through September 30, 2001.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 et seq.) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories, and General category effort controls (including time-period subquotas and RFDs) are specified annually under 50 CFR 635.23(a) and 635.27(a). The 2001 initial category quotas and General category effort controls were specified on July 13, 2000 (66 FR 37421, July 18, 2001).

Harpoon Category Closure

NMFS is required, under § 635.28 (a)(1), to file with the Office of the Federal Register for publication notification of closure when a BFT fishing category quota is reached, or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year, or for a specified period as indicated in the notice, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The final initial 2001 BFT quota specifications issued pursuant to § 635.27 set a quota of 55 mt of large medium and giant BFT to be harvested from the regulatory area by vessels permitted in the Harpoon category during the 2001 fishing year (66 FR 37421, July 18, 2001). The Harpoon category quota was adjusted on August 29, 2001, when 15 mt were transferred from the Reserve to the Harpoon category for an adjusted Harpoon category quota of 70 mt. Based on reported landings and effort, NMFS projects that this quota will be reached by September 16, 2001. Therefore, fishing for, retaining, possessing, or landing large medium or giant BFT by vessels in the Harpoon category must cease at 11:30 p.m. local time, Sunday, September 16, 2001.

The intent of this closure is to prevent overharvest of the quota proposed for the Harpoon category. In the event the final Harpoon category landings amount to less than the final Harpoon category quota, NMFS may consider reopening the fishery.

General Category Effort Controls

Under 50 CFR 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that adjustment to the General category RFD schedule, and, therefore, an increase of the daily retention limit for certain previously designated RFDs, is necessary. Therefore, NMFS adjusts the General category daily retention limit for September 16, 17, 19, 23, 24, 26, and 30, 2001, to one large medium or giant BFT per vessel. NMFS has selected these days in order to give adequate advance notice to fishery participants and NMFS enforcement.

The intent of this adjustment is to allow for maximum utilization of the General category subquotas for the September fishing period (specified under 50 CFR 635.27(a)) by General category participants in order to help achieve optimum yield in the General category fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP. For these same reasons, NMFS has already adjusted the General category daily retention limit for six previously scheduled RFDs in September, and has maintained an increased General category daily retention limit of two fish per day, since July 30, 2001 (66 FR 40151, August 2, 2001; 66 FR 46400, September 5, 2001).

While catch rates have continued to be low so far this season, catches have tended to increase in late September in past years. In order to ensure that the September subquota is not filled prematurely and to ensure equitable fishing opportunities in all areas and for all gear types, NMFS is not increasing the daily retention limit to two fish per day for the second half of September. If catch rates continue to be low, NMFS may increase the daily retention limit and/or waive the two RFDs scheduled for the first week of October.

Classification

This action is taken under §§ 635.27(a), 635.28 (a)(1), and 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 13, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–23262 Filed 9–13–01; 3:52 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 182
Wednesday, September 19, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 2126–01]

RIN 1115–AG15

Construction Work and the B Nonimmigrant Visa Classification

AGENCY: Immigration and Naturalization Service.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Immigration and Naturalization Service (Service) is soliciting comments from the public on the issue of whether the term ''building and construction work,'' as used in 8 CFR 214.2(b)(5) should be defined in regulation, and if so how the term ''building and construction work'' should be defined. Definition of the term ''building and construction work'' may assist both the public and the Service in determining whether certain classes of aliens may be admitted as B–1 nonimmigrant visitors for business.

DATES: Written comments must be submitted on or before November 19, 2001.

ADDRESSES: Written comments must be submitted to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW, Room 4034, Washington, DC, 20536. To ensure proper handling, please reference the INS number 2126–01 on your correspondence. Comments may also be submitted electronically to the Service at *insregs@usdoj.gov.* When submitting comments electronically please include INS No. 2126–01 in the subject box. Comments are available for public inspection at this location by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Craig Howie, Business and Trade Services Branch, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3040, Washington, DC 20536, telephone (202) 353–8177.

SUPPLEMENTARY INFORMATION:

What Is a B Nonimmigrant Alien?

The definition of a B nonimmigrant is an alien whose admission to the United States is based on a temporary visit for business (B–1) or a temporary visit for pleasure (B–2). Section 101(a)(15)(B) of the Immigration and Nationality Act (Act) defines the visitor classification as: An alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure.

What Are the Current Regulations and Internal Field Guidelines Governing the Admission of B–1 Nonimmigrant Visitors for Business?

The Service and the Department of State (DOS), which is responsible for the issuance of visas overseas to aliens seeking status as B–1 nonimmigrant visitors for business, operate under similar regulations and internal guidelines with respect to the classification of aliens as B–1 nonimmigrants. Based on precedent and administrative rulings, the Service and DOS have long interpreted section 101(a)(15)(B) of the Act to mean that an alien may enter as a B–1 nonimmigrant to perform activities necessarily incident to international trade or commerce. See *Karnuth* v. *Albro,* 279 U.S. 231, 243–44, 49 S.Ct. 274, 278 (1929) and *Matter of Duckett,* 19 I & N Dec. 493, 497 (BIA 1987).

8 CFR 214.2(b)(5) provides that aliens seeking to enter the country to perform building or construction work, whether on-site or in-plant are not eligible for classification or admission as B–1 nonimmigrants under section 101(a)(15)(B) of the Act; but alien nonimmigrants otherwise qualified as B–1 nonimmigrants may be issued visas and may enter for the purpose of supervision or training of others engaged in building and construction work, but not for the purpose of actually performing any such building or construction work themselves. The Service's Inspector's Field Manual (IFM), Chapter 15.4(b)(1)(B)(*3*) provides that an alien may enter the United States in B–1 nonimmigrant status to install, service or repair commercial or industrial equipment or machinery purchased from a company outside the United States or to train United States workers to perform such services. (However, in such cases the contract of sale must specifically require the seller to provide such services or training, and the alien must possess specialized knowledge essential to the seller's contractual obligation to perform the services or training and must receive no remuneration from a U.S. source. These provisions do not apply to an alien seeking to perform building or construction work, whether on-site or in-plant except for an alien who is applying as a B–1 for the purpose of supervising or training other workers engaged in building or construction work, but not actually performing any such building or construction work.) The DOS's Foreign Affairs Manual (FAM) at 9 FAM 41.31, Note 7.1 contains language nearly identical to that found in the Service's IFM.

On June 21, 2001, the Service, in consultation with the DOS disseminated a supplementary internal guidance memorandum (the June 21, 2001 Memo) listing additional procedures to be followed in the inspection of Visa Waiver Program aliens seeking admission as B–1 nonimmigrant visitors for business and indicating an intention to perform certain activities. The June 21, 2001 Memo provides for the closer scrutiny of aliens who seek admission as B–1 nonimmigrant visitors for business under the Visa Waiver Program, and indicate an intention to perform any of the following activities:

(1) The installation, maintenance, and repair of: Utility services, any part or the fabric of any building or structure, and installation of machinery or equipment to be an integral part of a building or structure; or

(2) Work normally performed by laborers; millwrights; heat and frost insulators; bricklayers; carpenters and joiners; electrical workers; operating engineers (including heavy equipment operators); elevator constructors; sheet metal workers; teamsters; boilermakers; residential, commercial or industrial

painters (including the application of all surface coatings, no matter how applied); bridge, structural and ornamental ironworkers; plumbers and pipefitters; roofers; plasterers and cement masons; or

(3) Work involving installation of assembly lines; conveyor belts and systems; overhead cranes, heating, cooling, and ventilation or exhaust systems; elevators and escalators; boilers and turbines; the dismantling or demolition of commercial or industrial equipment or machinery if the equipment or machinery is an integral part of a building or structure; whether on-site or in-plant; or

(4) Site preparation work and services installation (for example electricity, gas, water) and connection of such services to commercial or industrial equipment or machinery if the equipment or machinery is to be an integral part of a building or structure.

On May 24, 2001, the DOS, after consultation with the Service, had disseminated a cable to all diplomatic and consular posts providing that posts shall seek an advisory opinion when the alien is applying for a B–1 visa to engage in the activities listed above in the Service's June 21, 2001 Memo.

The listed activities are not a definition of ''building and construction work,'' but rather a trigger for additional questions at initial inspection and/or secondary inspection and prior to visa issuance. A Service inspector or consular officer may decide after consideration of all the facts that the activity to be performed does not constitute ''building and construction work,'' as that term is ordinarily understood and approve admission of the alien or the issuance of a visa.

Why Is the Service Considering Defining the Term ''Building and Construction Work'' as Used in the Admission of B–1 Nonimmigrant Visitors for Business?

The Service has never defined the phrase ''building and construction'' by regulation and has become aware of potential confusion regarding its proper interpretation and application for the admission of B–1 nonimmigrant visitors for business. The distinction between the installation and service of equipment, which is permissible B–1 activity, and engaging in building and construction, which is not, has been particularly difficult to discern. For example, where large equipment is designed as an integral part of a building, an alien installing and/or servicing such equipment raises the question whether he is engaged in ''building and construction.'' Therefore, the Service is exploring the possibility of defining ''building and construction'' in a manner that would clarify its application in such situations. The Service is seeking public comment on whether it should define ''building and construction'' by regulation and, if so, how that phrase should be defined. The Service also notes that it has taken into consideration the possible economic impact of this Advance Notice of Proposed Rulemaking. As previously noted, aliens admitted to the United States as B–1 nonimmigrant visitors for business are not eligible to engage in building and construction work for United States employers. Therefore, the Service does not believe that this Notice will have a significant impact upon United States entities.

Will the Service Adopt a Definition of ''Building and Construction Work'' That Is Already Used by Another Federal Agency?

The Service wishes to hear from the public on the issue of whether it should adopt another federal agency's definition of ''building and construction work.'' One example of a possible definition is the Department of Labor's (DOL) definition of construction at 29 CFR 5.2(j), Subtitle A. The Service seeks comments from the public on the DOL definition, on any other federal definition, on the definition of activities listed in the June 21, 2001 Memo which currently trigger closer scrutiny by both the Service and DOS, and welcome new definitions of the term ''building and construction work.''

Executive Order 12866

This advanced notice of proposed rulemaking is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Under Executive Order 12866, section 6(a)(3)(B)–(D), this advanced notice has been submitted to and reviewed by the Office of Management and Budget.

Dated: September 14, 2001.

James W. Ziglar,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 01–23327 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Public Notice 3783]

Construction Work and the B Nonimmigrant Visa Classification

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Bureau of Consular Affairs (CA) is soliciting comments from the public on the issue of whether the term ''building and construction work,'' as used in 22 CFR 41.31(b)(1) should be defined in regulation, and if so how the term ''building and construction work'' should be defined. Definition of the term ''building and construction work'' may assist both the public and CA in determining whether certain classes of aliens may obtain visas as B–1 nonimmigrant visitors for business.

DATES: Written comments must be submitted on or before November 19, 2001.

ADDRESSES: Written comments must be submitted by mail to: Legislation and Regulations Division, Visa Office, Room L–603C, 2401 E Street, NW., Washington, DC 20520–0106, or e-mailed to visaregs@state.gov. Please reference the Public Notice Number for this notice.

FOR FURTHER INFORMATION CONTACT: Jeffrey Gorsky, Chief, Advisory Opinions Division, Directorate for Visa Services, Room L–603F, 2401 E Street, NW., Washington, DC 20520–0106; telephone 202–663–1187; or e-mail to gorskyjg@state.gov.

SUPPLEMENTARY INFORMATION:

What is a B nonimmigrant alien?

The definition of a B nonimmigrant is an alien whose admission to the United States is based on a temporary visit for business (B–1) or a temporary visit for pleasure (B–2). Section 101(a)(15)(B) of the Immigration and Nationality Act (Act) defines the visitor classification as:

An alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure.

What are the current regulations and internal field guidelines governing the admission of B–1 nonimmigrant visitors for business?

The Department of State (DOS), which is responsible for the issuance of visas overseas to aliens seeking to enter the United States as B–1 nonimmigrant visitors for business, has long interpreted section 101(a)(15)(B) of the Act to mean that an alien may obtain a visa as a B–1 nonimmigrant to perform activities necessarily incident to international trade or commerce. See *Karnuth* v. *Albro*, 279 U.S. 231, 243–44, 49 S.Ct. 274, 278 and *Matter of Duckett*, 19 I & N Dec. 493, 497 (BIA 1987).

22 CFR 41.31(b)(1) provides, in part, that the term ''business * * * does not include local employment or labor for hire. For the purposes of this section building or construction work, whether on-site or in plant, shall be deemed to constitute purely local employment or labor for hire; provided that the supervision or training of others engaged in building or construction work (but not the actual performance of any such building or construction work) shall not be deemed to constitute purely local employment or labor for hire if the alien is otherwise qualified as a B–1 nonimmigrant.''

The Department's Foreign Affairs Manual (FAM), Part 41.31, Note 7.1 on ''Commercial or Industrial Workers'' provides the following:

''a. An alien coming to the United States to install, service, or repair commercial or industrial equipment or machinery purchased from a company outside the United States or to train U.S. workers to perform such services. However, in such cases the contract of sale must specifically require the seller to provide such services or training and the visa applicant must possess specialized knowledge essential to the seller's contractual obligation to perform the services or training and must receive no remuneration from a U.S. source.

''b. These provisions do not apply to an alien seeking to perform building or construction work, whether on-site or in-plant. The exception is for an alien who is applying for a B–1 visa for the purpose of supervising or training other workers engaged in building or construction work, but not actually performing any such building or construction work.''

On May 24, 2001, the Department of State, after consultation with the Immigration and Naturalization Service (INS), disseminated a telegram to all diplomatic and consular posts providing that posts shall seek an advisory opinion when an alien is applying for a B–1 visa to engage in any of the following activities:

''(1) The installation, maintenance, and repair of: Utility services, any part or the fabric of any building or structure, and installation of machinery or equipment to be an integral part of a building or structure; or

(2) Work normally performed by laborers; millwrights; heat and frost insulators; bricklayers; carpenters and joiners; electrical workers; operating engineers (including heavy equipment operators); elevator constructors; sheet metal workers; teamsters; boilermakers; residential commercial or industrial painters (including the application of all surface coatings, no matter how applied); bridge, structural and ornamental ironworkers; plumbers and pipefitters; roofers; plasterers and cement masons; or

(3) Work involving installation of assembly lines; conveyor belts and systems; overhead cranes, heating, cooling, and ventilation or exhaust systems; elevators and escalators; boilers and turbines; the dismantling or demolition of commercial or industrial equipment or machinery is the equipment or machinery is an integral part of a building or structure; whether on-site or in-plant; or

(4) Site preparation work and services installation (for example electricity, gas, water) and connection of such services to commercial or industrial equipment or machinery if the equipment or machinery is to be an integral part of a building or structure.''

The listed activities are not a definition of ''building and construction work,'' but rather a trigger for additional questions prior to visa issuance. A consular officer may decide after consideration of all the facts that the activity to be performed does not constitute ''building and construction work,'' as that term is ordinarily understood and approve the issuance of a visa.

Why is the Department of State considering defining the term ''building and construction work'' as used in the issuance of visas to B–1 nonimmigrant visitors for business?

The Department of State has never defined the term ''building and construction work'' in regulation. The Department believes that confusion may exist within the international business and construction community regarding what activities constitute ''building and construction work'' for the purposes of issuance of a visa to an applicant as a B–1 nonimmigrant visitor for business. In particular, the distinction between the installation of equipment, which is a permissible B–1 activity, and ''building and construction work'' has been difficult to draw. For example, large equipment is often designed to be an integral part of a building itself. Aliens working on such equipment might be viewed by some to be performing ''building and construction work,'' and by others to be merely installing equipment. The Department of State is very interested in exploring a definition of ''building and construction work'' that would clarify this gray area. Therefore, the Department seeks public comments on the question of whether a more specific regulatory definition of ''building and construction work'' is required, and if so how the term should be defined.

Will the Department of State adopt a definition of ''building and construction work'' that is already used by another Federal agency?

The Department of State wishes to hear from the public on the issue of whether it should adopt another Federal agency's definition of ''building and construction work.'' One example of a possible definition is the Department of Labor's (DOL) definition of construction at 29 CFR 5.2(j), Subtitle A. The Department of State seeks comments from the public on the DOL definition, on any other Federal definition, on the definition of activities listed in the May 24 telegram which currently triggers closer scrutiny by consular officers, and welcomes new definitions of the term ''building and construction work.''

Dated: September 4, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 01–23488 Filed 9–18–01; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH83

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the *Chorizanthe robusta* var. *robusta* (Robust Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of a draft economic analysis for the proposed designation of critical habitat for the robust spineflower *(Chorizanthe robusta* var. *robusta).* We are also providing notice of the reopening of the public comment period for the proposal to designate critical

habitat for this plant to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they already have been incorporated into the public record and will be fully considered in the final rule. Comments submitted during this comment period will also be incorporated into the public record and will be fully considered in the final rule.

DATES: The comment period is opened and we will accept comments until October 19, 2001. Comments must be received by 5:00 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at ''www.r1.fws.gov'' or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003.

All written comments should be sent to the Field Supervisor at the above address. You may also send comments by electronic mail (e-mail) to ''fw1robustsf@r1.fws.gov''. Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include ''Attn: RIN 1018–AH83'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Ventura Fish and Wildlife Office at phone number 805–644–1766. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Catrina Martin, Assistant Field Supervisor, Ventura Fish and Wildlife Office, at the above address (telephone 805–644–1766; facsimile 805–644–3958).

SUPPLEMENTARY INFORMATION:

Background

Chorizanthe robusta var. *robusta*, also known as robust spineflower and Aptos spineflower, is endemic to sandy soils in coastal areas in southern Santa Cruz and northern Monterey counties. In California, the spineflower genus (*Chorizanthe*) in the buckwheat family (Polygonaceae) comprises species of wiry annual herbs that inhabit dry sandy soils, both along the coast and inland. Because of the patchy and limited distribution of such soils, many species of *Chorizanthe* tend to be highly localized in their distributions.

Like other spineflowers, *Chorizanthe robusta* var. *robusta* is branched from the base and subtended by a rosette of basal leaves. The overall appearance of *C. r.* var. *robusta* is that of a low-growing herb that is soft-hairy and grayish or reddish in color. The plant has an erect to spreading or prostrate habit, with large individuals reaching 50 centimeters (cm) (20 inches (in.)) or more in diameter. This taxon is distinguished by white (rarely pinkish) scarious (translucent) margins on the lobes of the involucre (circle or collection of modified leaves surrounding a flower cluster) or head that subtend the white-to rose-colored flowers. The aggregate of flowers (heads) tend to be 1.5 to 2.0 cm (0.6 to 0.8 in.) across in diameter and distinctly aggregate. *Chorizanthe robusta* var. *robusta* is one of two varieties of the species *Chorizanthe robusta*. The other variety (*Chorizanthe robusta* var. *hartwegii*), known as Scotts Valley spineflower, is restricted to the Scotts Valley area in the Santa Cruz Mountains.

Chorizanthe robusta var. *robusta* is a short-lived annual species. It germinates during the winter months and flowers from April through June; although pollination ecology has not been studied for this taxon, pollinators observed include leaf cutter bees (megachilids), at least 6 species of butterflies, flies, and sphecid wasps (Randy Morgan, biologist, Soquel, California, pers. comm. 2000). Each flower produces one seed; depending on the vigor of the individual plant, dozens, if not hundred of seeds could be produced. The importance of pollinator activity in seed set has been demonstrated by the production of seed with low viability where pollinator access was limited (Harding Lawson Associates 2000). Seed is collectable through August. The plants turn a rusty hue as they dry through the summer months, eventually shattering during the fall. Seed dispersal is facilitated by the involucral spines, which attach the seed to passing animals. While animal vectors most likely facilitate dispersal between colonies and populations, the prevailing coastal winds undoubtedly play a part in scattering seed within colonies and populations.

The locations where *Chorizanthe robusta* var. *robusta* occurs are subject to a mild maritime climate, where fog helps keep summer temperatures cool and winter temperatures relatively warm, and provides moisture in addition to the normal winter rains. *Chorizanthe robusta* var. *robusta* is currently known from a total of seven sites. Two sites are located on active coastal dunes, while the other five sites are located inland from the immediate coast in sandy openings within scrub, maritime chaparral, or oak woodland habitats. All of these habitat types include microhabitat characteristics that are suitable for *C. r.* var. *robusta*. First, all sites are on sandy soils; whether the origin of the soils are from active dunes or interior fossil dunes is apparently unimportant. Second, these sites are relatively open and free of other vegetation; sandy soils tend to be nutrient-poor, which limits the abundance of other herbaceous species that can grow on them. However, if these soils have been enriched, either through the accumulation of organic matter or importation of other soils, these sandy soils may support more abundant herbaceous vegetation which may then compete with *C. r.* var. *robusta*. Management of the herb cover, either through grazing, mowing or fire, may allow the spineflower to persist. In scrub and chaparral communities, *C. r.* var. *robusta* does not occur under dense stands, but will occur between more widely spaced shrubs.

The current distribution of *Chorizanthe robusta* var. *robusta* is restricted to coastal and near-coastal sites in southern Santa Cruz County and northern Monterey County, ranging from Pogonip Park in the city of Santa Cruz, southeast to coastal dunes between Marina and Seaside that were formerly part of Fort Ord. With the discovery of two new populations in the year 2000, a total of seven populations are now known to exist. There is a high likelihood that other populations will be discovered in the future.

Portions of the coastal dune, coastal scrub, grassland, chaparral, and oak woodland communities that support *Chorizanthe robusta* var. *robusta* have been eliminated or altered by recreational use, conversion to agriculture, and urban development. Dune communities have also been altered in composition by the introduction of non-native species, especially *Carpobrotus* spp. (sea-fig or iceplant) and *Ammophila arenaria* (European beachgrass), in an attempt to stabilize shifting sands. In the last decade, significant efforts have been made to restore native dune communities, including the elimination of these non-native species.

Pursuant to the Endangered Species Act of 1973, as amended (Act), *Chorizanthe robusta* var. *robusta* was listed as endangered on February 4, 1994 (59 FR 5499). On February 15,

2001, we published in the **Federal Register** (66 FR 10419) a rule proposing critical habitat for the *Chorizanthe robusta* var. *robusta*. Approximately 660 hectares (1,635 acres) of land fall within the boundaries of the proposed critical habitat designation. Proposed critical habitat is located in Santa Cruz County, California, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the *Chorizanthe robusta* var. *robusta* and comments received during the previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available at the above Internet and mailing address.

Public Comments Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat determination for the robust spineflower and the draft economic analysis of proposed critical habitat determination. Previously submitted written comments on this critical habitat proposal need not be resubmitted. We will accept written comments during this reopened comment period. The current comment period on this proposal closes on October 4, 2001. Written comments may be submitted to the Ventura Fish and Wildlife Office in the **ADDRESSES** section.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 7, 2001.

Daniel S. Walsworth,

Acting Manager, California/Nevada Operations Office.

[FR Doc. 01–23249 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH82

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the *Chorizanthe robusta* var. *hartwegii* (Scotts Valley Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of a draft economic analysis for the proposed designation of critical habitat for *Chorizanthe robusta* var. *hartwegii* (Scotts Valley spineflower). We are also providing notice of the reopening of the public comment period for the proposal to designate critical habitat for this plant to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they already have been incorporated into the public record and will be fully considered in the final rule. Comments submitted during this comment period will also be incorporated into the public record and will be fully considered in the final rule.

DATES: The comment period is opened and we will accept comments until October 19, 2001. Comments must be received by 5 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at ''www.r1.fws.gov'' or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003.

All written comments should be sent to the Field Supervisor at the above address. You may also send comments by electronic mail (e-mail) to ''fw1svsf@r1.fws.gov''. Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include ''Attn: RIN 1018-AH82'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Ventura Fish and Wildlife Office at phone number 805–644–1766. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Catrina Martin, Assistant Field Supervisor, Ventura Fish and Wildlife Office, at the above address (telephone 805–644–1766; facsimile 805–644–3958).

SUPPLEMENTARY INFORMATION:

Background

Chorizanthe robusta var. *hartwegii* is a low-growing herb with rose-pink involucral margins confined to the basal portion of the teeth and an erect habit. The aggregate flowers (heads) are medium in size (1 to 1.5 cm (0.4 to 0.6 in.) in diameter) and distinctly aggregate. The plant germinates during the winter months and flowers from April through June. Although pollination ecology has not been studied for this taxon, it is likely visited by a wide array of pollinators; observations of pollinators on other species of *Chorizanthe* that occur in Santa Cruz County have included leaf cutter bees (megachilids), at least 6 species of butterflies, flies, and sphecid wasps. Each flower produces one seed; depending on the vigor of individual plants, dozens, if not hundreds, of seeds could be produced. The importance of pollinator activity in seed set has been demonstrated in another species of *Chorizanthe* by the production of seed with low viability where pollinator access was limited (Harding Lawson Associates 2000). Seed dispersal is facilitated by the involucral spines, which attach the seed to passing animals. *Chorizanthe robusta* var. *hartwegii* is one of two varieties of the species *C. robusta.* The other variety (*C. robusta* var. *robusta*), known as the robust spineflower, is known from the coast of southern Santa Cruz and northern Monterey counties and also is listed as endangered.

Chorizanthe robusta var. *hartwegii* is known from two sites about one mile apart at the northern end of Scotts Valley in Santa Cruz County, California. One site is located north of Casa Way and west of Glenwood Drive in northern Scotts Valley, referred to as the ''Glenwood'' site. The second site, located just east of Highway 17 and north of Navarra Road in northern Scotts Valley, is referred to as the ''Polo

Ranch'' site. The plant is found on gently sloping to nearly level, fine-textured, shallow soils over outcrops of Santa Cruz mudstone and Purisima sandstone (Hinds and Morgan 1995). *Chorizanthe robusta* var. *hartwegii* occurs with *Polygonum hickmanii* and other small annual herbs in patches within a more extensive annual grassland habitat. These small patches have been referred to as ''wildflower fields'' because they support a large number of native herbs, in contrast to the adjacent annual grasslands that support a greater number of non-native grasses and herbs. While the wildflower fields are underlain by shallow, well-draining soils, the surrounding annual grasslands are underlain by deeper soils with a greater water-holding capacity, and therefore more easily support the growth of non-native grasses and herbs. The surface soil texture in the wildflower fields tends to be consolidated and crusty rather than loose and sandy (Biotic Resources Group (BRG) 1998). Elevation of the sites is from 215 to 245 meters (m) (700 to 800 feet (ft)) (Hinds and Morgan 1995). The climate in the city of Santa Cruz, 13 km (8 mi) to the south, is characterized by an average of 76.7 cm (30 in.) of rain per year, and an average temperature of 14 degrees Celsius (57 degrees Fahrenheit) per year, while the city of Los Gatos, 16 km (10 mi) to the north, averages 129.9 cm (51 in.) of rain per year, and an average temperature of 15 degrees Celsius (58 degrees Fahrenheit) per year (Worldclimate 1998).

Chorizanthe robusta var. *hartwegii* is associated with a number of native herbs including *Polygonum hickmanii* (Scotts Valley polygonum), *Lasthenia californica* (goldfields), *Minuartia douglasii* (sandwort), *Minuartia californica* (California sandwort), *Gilia clivorum* (gilia), *Castilleja densiflora* (owl's clover), *Lupinus nanus* (sky lupine), *Brodiaea terrestris* (brodiaea), *Stylocline amphibola* (Mount Diablo cottonweed), *Trifolium grayii* (Gray's clover), and *Hemizonia corymbosa* (coast tarplant). Non-native species present include *Filago gallica* (filago) and *Vulpia myuros* (rattail) (California Natural Diversity Data Base (CNDDB) 1998; Randy Morgan, biological consultant, pers. comm. 1998). In many cases, the habitat also supports a crust of mosses and lichens (Biotic Resources Group 1998).

Pursuant to the Endangered Species Act of 1973, as amended (Act), *Chorizanthe robusta* var. *hartwegii*, was listed as endangered on February 4, 1994 (59 FR 5499). On February 15, 2001, we published in the **Federal Register** (66 FR 10469) a rule proposing critical habitat for the *Chorizanthe robusta* var. *hartwegii*. Approximately 125 hectares (310 acres) of land fall within the boundaries of the proposed critical habitat designation. Proposed critical habitat is located in Santa Cruz County, California, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for *Chorizanthe robusta* var. *hartwegii* and comments received during the previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available at the above Internet and mailing address.

Public Comments Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat determination for the Scotts Valley spineflower and the draft economic analysis of proposed critical habitat determination. Previously submitted written comments on this critical habitat proposal need not be resubmitted. We will accept written comments during this reopened comment period. The current comment period on this proposal closes on October 4, 2001. Written comments may be submitted to the Ventura Fish and Wildlife Office in the **ADDRESSES** section.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 7, 2001.

Daniel S. Walsworth,

Acting Manager, California/Nevada Operations Office.

[FR Doc. 01–23247 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH04

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for *Chorizanthe pungens* var. *pungens* (Monterey Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of a draft economic analysis for the proposed designation of critical habitat for the Monterey spineflower (*Chorizanthe pungens* var. *pungens*). We are also providing notice of the reopening of the public comment period for the proposal to designate critical habitat for this plant to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they already have been incorporated into the public record and will be fully considered in the final rule. Comments submitted during this comment period will also be incorporated into the public record and will be fully considered in the final rule.

DATES: The comment period is opened and we will accept comments until October 19, 2001. Comments must be received by 5:00 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at ''www.r1.fws.gov'' or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. All written comments should be sent to the Field Supervisor at the above address. You may also send comments by electronic mail (e-mail) to ''fw1montereysf@r1.fws.gov''. Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include ''Attn: RIN 1018–AH04'' and

your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Ventura Fish and Wildlife Office at phone number 805–644–1766. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Catrina Martin, Assistant Field Supervisor, Ventura Fish and Wildlife Office, at the above address (telephone 805–644–1766; facsimile 805–644–3958).

SUPPLEMENTARY INFORMATION:

Background

Chorizanthe pungens var. *pungens* is endemic to sandy soils in coastal areas in southern Santa Cruz and northern Monterey counties, and in the Salinas Valley in interior Monterey County. In California, the spineflower genus (*Chorizanthe*) in the buckwheat family Polygonaceae comprises species of wiry annual herbs that inhabit dry sandy soils, both along the coast and inland. Because of the patchy and limited distribution of such soils, many species of *Chorizanthe* tend to be highly localized in their distributions.

The overall appearance of *Chorizanthe pungens* var. *pungens* is of a low-growing herb that is soft-hairy and grayish or reddish in color. The plant has a prostrate to slightly ascending habit, with large individuals reaching 50 centimeters (cm) (20 inches (in)) or more in diameter. This taxon is distinguished by white (rarely pinkish) scarious (membranous) margins on the lobes of the involucre (a whorl of bracts) that subtend the white- to rose-colored flowers. The aggregate of flowers (heads) tend to be small (less than 1 cm (0.4 in) in diameter) and either distinctly or indistinctly aggregate.

Chorizanthe pungens var. *pungens* is a short-lived annual species. It germinates during the winter months and flowers from April through June; although pollination ecology has not been studied for this taxon, *C. p.* var. *pungens* is likely visited by a wide array of pollinators; observations of pollinators on other species of *Chorizanthe* that occur in Santa Cruz County have included leaf cutter bees (megachilids), at least six species of butterflies, flies, and sphecid wasps (R. Morgan, biologist, Soquel, CA, pers. comm. 2000). Each flower produces one seed; depending on the vigor of an individual plant, dozens, if not hundreds of seeds could be produced. The importance of pollinator activity in seed set has been demonstrated by the production of seed with low viability where pollinator access was limited (Harding Lawson Associates 2000). Seed is collectable through August. The plants turn a rusty hue as they dry through the summer months, eventually shattering during the fall. Seed dispersal is facilitated by the spines on the involucre, which attach the seed to passing animals. While animal vectors most likely facilitate dispersal between colonies and populations, the prevailing coastal winds undoubtedly play a part in scattering seed within colonies and populations.

The locations where *Chorizanthe pungens* var. *pungens* occurs, with the exception of one (Soledad), are subject to a mild maritime climate, where fog helps keep summer temperatures cool and winter temperatures relatively warm, and provides moisture in addition to the normal winter rains. *Chorizanthe pungens* var. *pungens* is found in a variety of seemingly disparate habitat types, including active coastal dunes, grassland, scrub, chaparral, and woodland types on interior upland sites; and interior floodplain dunes. However, all of these habitat types include microhabitat characteristics that are suitable for *C. p.* var. *pungens*. First, all sites are on sandy soils; whether the origin of the soils are from active dunes, interior fossil dunes, or floodplain alluvium is apparently unimportant. Second, these sites are relatively open and free of other vegetation. In grassland and oak woodland communities, abundant annual grasses may outcompete *C. p.* var. *pungens*, while management of grass species, either through grazing, mowing or fire, may allow the spineflower to persist. In scrub and chaparral communities, *C. p.* var. *pungens* does not occur under dense stands, but will occur between more widely spaced shrubs.

Chorizanthe pungens var. *pungens* is generally distributed along the rim of Monterey Bay in southern Santa Cruz and northern Monterey counties, and inland along the coastal plain of the Salinas Valley. At coastal sites ranging from the Monterey Peninsula north to Manresa State Beach, *C. p.* var. *pungens* is found in active coastal dune systems, and on coastal bluffs upon which windblown sand has been deposited. On coastal dunes, the distribution of suitable habitat is subject to dynamic shifts caused by patterns of dune mobilization, stabilization, and successional trends in coastal dune scrub that increase in cover over time. Accordingly, individual colonies of *Chorizanthe pungens* var. *pungens,* found in gaps between stands of scrub, shift in distribution and size over time.

Portions of the coastal dune and coastal scrub communities that support *Chorizanthe pungens* var. *pungens* have been eliminated or altered by recreational use, industrial and urban development, and military activities. Dune communities have also been altered in composition by the introduction of non-native species, especially *Carpobrotus* species (sea-fig or iceplant) and *Ammophila arenaria* (European beachgrass), in an attempt to stabilize shifting sands. In the last decade, significant efforts have been made to restore native dune communities, including the elimination of these non-native species.

At more inland sites, *Chorizanthe pungens* var. *pungens* occurs on sandy, well-drained soils in a variety of plant communities, most frequently maritime chaparral, valley oak woodlands, and grasslands. The plant probably has been extirpated from a number of historical locations in the Salinas Valley, primarily due to conversion of the original grasslands and valley oak woodlands to agricultural crops (Reveal & Hardham 1989). Significant populations of *C. p.* var. *pungens* occur on lands that are referred to as former Fort Ord (U.S. Army Corps of Engineers 1992). Within grassland communities, *C. p.* var. *pungens* occurs along roadsides, in firebreaks, and in other disturbed sites, while in oak woodland, chaparral, and scrub communities, it occurs in sandy openings between shrubs. In older stands with a high cover of shrubs, the plants are restricted to roadsides, firebreaks, and trails that bisect these communities. At former Fort Ord, the highest densities of *C. p.* var. *pungens* are located in the central portion of the firing range, where disturbance is the most frequent. This pattern of distribution and densities of the *C. p.* var. *pungens* on former Fort Ord indicates that the very activities that have disturbed *C. p.* var. *pungens* habitat have also created the open conditions that result in high densities of the plant. Prior to onset of human use of this area, *C. p.* var. *pungens* may have been restricted to openings created by wildfires within these communities (Service 1998).

The southwestern edge of *Chorizanthe pungens* var. *pungens* habitat on former Fort Ord was once continuous with habitat found in the community of Del Rey Oaks and at the Monterey Airport (Deb Hillyard, ecologist, California Department of Fish and Game, pers. comm. 2000). Other inland sites that support *C. p.* var.

pungens are located in the area between Aptos and La Selva Beach in Santa Cruz County, and near Prunedale in northern Monterey County.

Farther up the Salinas River, *Chorizanthe pungens* var. *pungens* was recently found on a dune located within the river floodplain near Soledad, Monterey County (CNDDB 2000). Two historic sites for *C. p.* var. *pungens* occur near here. One, near Mission Soledad, was collected once in 1881; the other, near San Lucas along the Salinas River, was collected once in 1935. Due to conversion to agriculture and channelization activities along the Salinas River over the last century, *C. p.* var. *pungens* has most likely been extirpated from these locations. The dune near Soledad is the only one of its size and extent between there and the river mouth (Brad Olsen, East Bay Regional Parks District, pers. comm. 2000).

Pursuant to the Endangered Species Act of 1973, as amended (Act), *Chorizanthe pungens* var. *pungens* was federally listed as threatened on February 4, 1994 (59 FR 5499). On February 15, 2001, we published in the **Federal Register** (66 FR 10440) a rule proposing critical habitat for the *C. p.* var. *pungens.* Approximately 10,400 hectares (25,000 acres) fall within the boundaries of the proposed critical habitat designation. Proposed critical habitat is located in Santa Cruz and Monterey counties, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the Monterey spineflower and comments received during the previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available at the above Internet and mailing address.

Public Comments Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat determination for the Monterey spineflower and the draft economic analysis of proposed critical habitat determination. Previously submitted written comments on this critical habitat proposal need not be resubmitted. We will accept written comments during this reopened comment period. The current comment period on this proposal closes on October 4, 2001. Written comments may be submitted to the Ventura Fish and Wildlife Office in the **ADDRESSES** section.

Author

The primary author of this notice is Connie Rutherford, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003 (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 7, 2001.

Daniel S. Walsworth,

Acting Manager, California/Nevada Operations Office.

[FR Doc. 01–23248 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 66, No. 182
Wednesday, September 19, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Food Security Advisory Committee, of the Board of International Food and Agricultural Development; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given for a meeting of the Food Security Advisory Committee (FSAC). The meeting will be held from 8:30 a.m. to 5 p.m. on September 19, 2001 in the NASULGC Board Room, ground floor of 1307 New York Avenue, NW., Washington, DC.

The agenda calls for FSAC to review the draft U.S. statement for the next World Food Summit, solicit civil society input, and report findings and recommendations to the Interagency Working Group (IWG) on Food Security.

Those wishing to attend the meeting or to obtain additional information about FSAC may contact Larry Paulson, BIFAD Federal Officer, at the U.S. Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW., Room 2.11–072, Washington, DC 20523–2110; or phone (202)–712–1436, fax (202–216–3010, or e-mail *lpaulson@usaid.gov*.

Lawrence E. Paulson,

BIFAD Federal Officer, Office of Agriculture and Food Security, Center for Economic Growth & Agricultural Development Center, Bureau for Global Programs, USAID.

[FR Doc. 01–23305 Filed 9–18–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Roadless Area Protection; Interim Direction; Correction

AGENCY: Forest Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Forest Service published a notice in the **Federal Register** of August 22, 2001, providing information and requesting comments on the Interim Direction for roadless area protection. The document contained an incorrect telephone number for those requesting further information.

FOR FURTHER INFORMATION CONTACT: Jody Sutton, Program Coordinator, Content Analysis Team, at telephone number (801) 517–1023.

Correction

In the **Federal Register** of August 22, 2001, in FR Doc. 01–21185, on page 44111, in the third column, correct the telephone number in the **FOR FURTHER INFORMATION CONTACT** heading to read as follows: **FOR FURTHER INFORMATION CONTACT:**

Jody Sutton, Program Coordinator, Content Analysis Team, Forest Service, at telephone number (801) 517–1023.

Dated: September 13, 2001.

James R. Furnish,

Deputy Chief for National Forest System.

[FR Doc. 01–23304 Filed 9–18–01; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service in Alabama

Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Alabama

AGENCY: Natural Resources Conservation Service (NRCS) in Alabama, U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Alabama for review and comment.

SUMMARY: It is the intention of NRCS in Alabama to issue conservation practice standards:

Agricultural Fuel Containment Facility—Code 701
Anionic Polyacrylamide (PAM) Erosion Control—Code 450
Livestock Shade Structure—Code 717
Pest Management—Code 595

DATES: Comments will be received until October 19, 2001.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Robert N. Jones, State Conservationist, Natural Resources Conservation Service (NRCS), 3381 Skyway Drive, PO Box 311, Auburn, AL 36830. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Alabama will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Alabama regarding disposition of those comments and a final determination of change will be made.

Dated: August 21, 2001.

Ray E. Donaldson,

Assistant State Conservationist, Natural Resources Conservation Service.

[FR Doc. 01–23280 Filed 9–18–01; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 8/17/01–9/13/01

Firm name	Address	Date petition accepted	Product
Sigma Equipment Corporation	39 Westmoreland Ave., White Plains, NY 10606.	08/29/01	Machinery for bar and powder soap production.
Aerostar International, Inc	200 E. 6th Street, Sioux Falls, SD 57117.	08/30/01	Sportswear, uniforms, medical and cleanroom garments.
Wheeler Tank Manufacturing, Inc	4001 N. 4th Avenue, Sioux Falls, SD 57118.	08/30/01	Steel tanks.
B.A. Die Mold, Inc	3685 Prairie Lake Court	08/31/01	Molds for plastic injection, machined of metal.
Strube Packing Company	P.O. Box 36, Rowena, TX 76875	09/04/01	Processing lamb meat.
Apex Precision Technologies, Inc	8824 Union Mills Drive, Camby, IN 46113.	08/31/01	Axle housings.
Hansen L.L.C	2214 NW 198th Street, Shoreline, WA 98177.	08/31/01	Salmon.
Multi Products, Inc	2131 State Street, Erie, PA 16503	09/04/01	Plastic molded components, including air purifying equipment, wheelchairs, headlight covers, and other misc. parts.
National Jet Company, Inc	10 Cupler Drive, Lavale, MD 21502	09/04/01	Microscopic drills.
J.B. Wood Products	1285 County Street, Attleboro, MA 02703.	09/04/01	Wood craft items i.e., plaques, wall tissue boxes, tv remote control caddy, etc.
Cyan Company, Inc	508 Wilson Road, Weatherford, OK 73096.	09/05/01	Solar heater controls.
James A. Rogers dba Rogers Tool & Mold.	28042 Ave. Sanford ''E'', Valencia, CA 91355.	09/05/01	Molds for plastic injection molding.
Ransco Industries, L.P	1400 E. Statham Pky, Oxnard, CA 93033.	09/05/01	Industrial machinery that performs thermal shock testing in the automotive and electronics industries.
Elite Formal Accessories, Inc	2280 SW 70th Ave., Davie, FL 33317.	09/05/01	Formal wear accessories, vests, bowties, packet quares and cummerbunds.
J-Mac Plastics, Inc	40 Lafayette Place, Kenilworth, NJ 07033.	09/12/01	Plastic molded products for the household industry, i.e. clock and thermometer cases and frames, etc.
Little Log Co., Inc	307 N. Highway 183, Sargent, NE 68874.	09/12/01	Bird houses and feeders.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: September 13, 2001.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 01–23285 Filed 9–18–01; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Performance Review Board Membership

AGENCY: Economics and Statistics Administration, Commerce.

ACTION: Performance Review Board membership.

SUMMARY: Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economics and Statistics Administration Senior Executive Service (SES) Performance Appraisal System:

William G. Barron
Nancy A. Potok
John H. Thompson
Theodore A. Johnson
Richard W. Swartz
Marvin D. Raines
Frederick T. Knickerbocker
Thomas L. Mesenbourg
Preston J. Waite
Nancy M. Gordon
William G. Bostic, Jr.
Chester E. Bowie
Cynthia Z. F. Clark
John F. Long
C. Harvey Monk
Walter C. Odom, Jr.
Judith N. Petty
Tommy Wright
Steve J. Landefeld
Rosemary D. Marcuss
Hugh W. Knox
Ralph H. Kozlow
Brent R. Moton
Sumiye O. Okubo
Suzette Kern
Carl E. Cox
Katherine Wallman

Dated: September 10, 2001.

James K. White,

Associate Under Secretary for Management, Chair, Performance Review Board.

[FR Doc. 01–23281 Filed 9–18–01; 8:45 am]

BILLING CODE 3510–BS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–867]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Automotive Replacement Glass Windshields From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 19, 2001.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, Brandon Farlander, and Rick Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1102, and (202) 482–0182, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Preliminary Determination

We preliminarily determine that certain automotive replacement glass (''ARG'') windshields from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

This investigation was initiated on March 20, 2001. *See Notice of Initiation of Antidumping Duty Investigation: Certain Automotive Replacement Glass Windshields from the People's Republic of China,* 66 FR 16651 (March 27, 2001) (''*Notice of Initiation*''). The Department set aside a period for all interested parties to raise issues regarding product coverage. *See Notice of Initiation* at 16651. We received comments regarding product coverage as follows; from Fuyao Glass Industry Group Co., Ltd. (''FYG''), Xinyi Automotive Glass (Shenzhen) Co. Ltd. (''Xinyi'') and Shenzhen Benxun Auto-Glass Co., Ltd. (''Benxun'') on April 9, 2001; and from TCG International Inc. (''TCGI'', a Canadian exporter of the merchandise under investigation) on August 27, 2001. With regard to the submission from TCGI, we note that TCGI requested clarification of the scope of this investigation concerning bus windshields and windshields for farm machinery. Specifically, TCGI takes the position that the language of the initiation notice and an application of the criteria established in *Diversified Products Corporation* v. *United States,* 572 F. Supp. 883 (Court of International Trade 1983), are such that bus windshields and farm and heavy machinery windshields are outside the scope of the merchandise under investigation. On August 28, 2001, the Department issued a letter seeking interested party comments on this issue. On September 5, 2001, we received comments from petitioners. However, because this submission was received within five days of the preliminary determination, we were not able to consider this issue for the purposes of this preliminary determination. We will address this issue in our final determination.

On April 3, 2001, the Department issued a letter to interested parties providing an opportunity to comment on the Department's proposed product-matching criteria and matching hierarchy. Comments were submitted on April 18, 2001 by PPG Industries, Inc., Safelite Glass Corporation, and Apogee Enterprises, Inc., and its manufacturing subsidiary Viracon/Curvlite, (collectively, ''petitioners''), and respondent FYG. On May 1, 2001, petitioners submitted additional comments intended to refine their original April 18, 2001 comments on the Department's proposed product-matching criteria and matching hierarchy.

On April 17, 2001, the United States International Trade Commission (''ITC'') issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject merchandise from the PRC, which was published in the **Federal Register** on April 24, 2001. *See Automotive Replacement Glass Windshields from China,* 66 FR 20682 (April 24, 2001).

On April 24, 2001, the Department issued a questionnaire requesting volume and value of U.S. sales information to the Embassy of the PRC and to the Ministry of Foreign Trade and Economic Development, and sent courtesy copies to the following known producers/exporters of subject merchandise identified in the petition: FYG; Xinyi; Benxun; Dongguan Kongwan Automobile Glass; Wuhan Yaohua Pilkington Safety Glass (''Wuhan''); Guilin Pilkington Safety Glass Co., Ltd. (''Guilin''); Changchun Pilkington Safety Glass Company Ltd. (''Changchun''); Guandong Lunjiao Autoglass Co.; Shanghai Fu Hua Glass Co., Ltd.; Tianjin Riban Glass Co., Ltd.; Jieyang Jiantong Automobile Glass Co., Ltd.; Shanghai Yanfeng Automotive Trim Co.; Luoyang Float Glass Group Import & Export Corp.; Hebei Tong Yong Glass Industry Limited Company; Yantai Yanhua Glass Products Co., Ltd.; and Hangzhou Safety Glass Co., Ltd. Additionally, we indicated to the Embassy of the PRC a large number of other potential producers/exporters identified in the petition (but for whom we did not have an address), and notified the PRC Government that it was responsible for ensuring that volume and value information for those companies be provided to the Department.

On May 4, 2001, FYG, Xinyi, Benxun, TCGI, and Pilkington North America (''PNA'', an importer of the subject merchandise exported by the PRC companies, Changchun, Guilin, and Wuhan) submitted responses to the Department's questionnaire seeking volume and value of U.S. sales information. On May 7, 2001, the Department issued the respondent selection memorandum, selecting FYG and Xinyi to be investigated (*see Selection of Respondents* section below). The following companies were determined to be non-responsive for purposes of this investigation based on their failure to provide the requested information: Lung Ta Glass Industrial Company Ltd.; Shanghia Jamyf Decoration Materials Company Ltd.; Fujian Wan Da Automobile; Sino-Foreign Joint Venture; Liu Zhou Steel Glass Factory; Luoyang Glass Company Limited; Tianjin NSG Safety Glass Company Ltd.; Yangzhou Tang Cheng Safety Glass; Boading Sanyuan Safety Glass Company, Ltd.; Best Safety-Glass; Zhuhai Singyes Auto Safety Glass Factory; Qinhuangdao Haiyan Safety Glass Company Ltd.; Changzhou Industry Technical Glass Factory; Tianjin Sanlian Skilled Glass Works; Tianjin Riban Glass Co., Ltd.; Jieyang Jiantong Automobile Glass Co., Ltd.; Shanghai Yanfeng Automotive Trim Co.; Luoyang Float Glass Group Import & Export Corp.; Hebei Tong Yong Glass Industry Limited Company; Yantai Yanhua Glass Products Co., Ltd.; Hangzhou Safety Glass Co., Ltd.; Guandong Lunjiao Autoglass Co.; Shanghai Fu Hua Glass Co., Ltd.; and Dongguan Kongwan Automobile Glass.

On May 8, 2001, the Department issued its antidumping questionnaire to

FYG and Xinyi. On June 1, 2001, the Department amended the May 8, 2001 Sections C & D Questionnaire to include fields which account for bent float glass and for dimensions of the float glass.

On May 10, 2001, the Department received requests from PNA and Benxun to be treated as voluntary respondents in this investigation, or at a minimum, to be granted a separate rate. On May 29, 2001, the Department received a request from TCGI in which TCGI stated that is qualifies as a proper respondent in this investigation and that, as a cooperating respondent, the Department must calculate a separate rate for the company in accordance with Department precedent. On July 19, 2001, Benxun supplemented its request to be granted, at a minimum, a separate rate. On July 26, 2001, petitioners submitted comments on Benxun's request to be treated as a voluntary respondent and be given a separate dumping rate for purposes of this investigation.

On May 29, 2001, the Department received Section A responses from FYG, Xinyi, Benxun, TCGI and PNA (including information from Changchun, Guilin, and Wuhan). In its submission of May 29, 2001, FYG explained that one of its affiliated manufacturers, Fujian Wanda Automobile Industries Co., Ltd. (''Fujian Wanda''), was named as an uncooperative party by the Department in the Department's respondent selection memorandum of May 7, 2001. However, because we note that FYG's volume and value information submitted in a timely fashion included information from Fujian Wanda, the Department preliminarily detemines that Fujian Wanda in fact is not considered an uncooperative party.

On June 14 and 15, 2001, the Department issued section A supplemental questionnaires to Xinyi and FYG respectively. The Department received responses to its Section A supplementals on June 28 and 29, 2001 for Xinyi and FYG respectively. The Department also issued a second Section A supplemental for Xinyi on July 12 and received a response on July 26, 2001.

On June 13 and 25, 2001, the Department received Sections C & D Questionnaire responses from PNA and FYG respectively. On June 15 and 28, the Department received Sections C & D Questionnaire responses from Benxun and Xinyi respectively. On July 12, 2001, the Department issued Sections C & D supplemental questionnaires to both FYG and Xinyi and received responses on July 26, 2001. On August 8, 2001, the Department issued a second supplemental questionnaire for Sections C & D to FYG and Xinyi and received responses on August 15 and 22, 2001, respectively.

On June 22, 2001, the Department issued a request for parties to submit comments on surrogate market-economy country selection, and publicly available information for valuing the factors of production. Petitioners submitted comments to these requests on July 6, 2001 and July 23, 2001 respectively. On July 23, 2001, FYG and Xinyi submitted surrogate value data to the Department. On August 7, 2001, Xinyi submitted some additional publicly available published information on surrogate values. On August 9, 2001, petitioners submitted comments on FYG's July 23, 2001 surrogate value data submission. On August 10 and 17, 2001, FYG and Xinyi, respectively, submitted comments on petitioners' July 23, 2001 surrogate data submission. On August 15, 2001, petitioners submitted comments on FYG's August 10, 2001 submission. On August 21, 2001, petitioners submitted comments on Xinyi's August 7, 2001 and August 17, 2001 surrogate value submissions.

On July 30, 2001, petitioners alleged that critical circumstances exist with respect to this investigation. Consequently, on July 30, 2001, the Department requested that FYG and Xinyi submit sales data for the period 1999 through May 2001. We received this information on August 13, 2001 from FYG, and from Xinyi on August 20, 2001.

On August 9, 2001, the Department responded to PNA's May 10, 2001 request to be treated as a voluntary respondent in this investigation. The Department noted that, although PNA qualifies as an interested party in the proceeding, as an importer of the subject merchandise, PNA is not eligible for the assignment of an individual rate as it requested because, in accordance with our statute, the Department does not investigate importers of the merchandise under investigation in an antidumping duty investigation. The Department noted that, in order for the exporters identified in PNA's Section A response to be considered for a separate rate, the exporters must file the necessary information on their own behalf. *See Letter to Gregory Dorris from Rick Johnson*, August 9, 2001. On August 24, 2001, Changchun, Guilin, and Wuhan filed notices of appearance in this investigation and filed certificates of accuracy with respect to the May 29, 2001 separate rates information filed in PNA's Section A response. On August 31, 2001 Changchun, Guilin, and Wuhan submitted supplemental section A responses on their own behalf. On September 5, 2001, we requested Changchun, Guilin, and Wuhan to submit a certification of accuracy on the record that the information provided for these companies in PNA's June 12, 2001 section C and D response is accurate. On September 7, 2001, each company submitted the required certificate of accuracy.

On August 23, 2001, petitioners submitted comments regarding FYG's response of August 15, 2001. Also, on August 23, 2001, FYG submitted comments to petitioners' August 15, 2001 submission.

On July 17, 2001, the Department postponed the deadline for the preliminary determination to August 31, 2001, pursuant to section 733(c)(1)(B) of the Act. *See Automotive Replacement Glass Windshields from the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation*, 66 FR 38256 (July 23, 2001). On August 29, petitioners filed a letter requesting an additional ten-day postponement of the preliminary determination. Subsequently, on August 31, 2001, the Department further postponed the deadline for the preliminary determination to September 10, 2001, pursuant to section 733(c)(1)(A) of the Act. *See Automotive Replacement Glass Windshields from the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation*, 66 FR 46994 (September 10, 2001).

Period of Investigation

The POI is July 1, 2000 through December 31, 2000. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (February 28, 2001). *See* 19 CFR 351.204(b)(1).

Scope of Investigation

The products covered by this investigation are ARG windshields, and parts thereof, whether clear or tinted, whether coated or not, and whether or not they include antennas, ceramics, mirror buttons or VIN notches, and whether or not they are encapsulated. ARG windshields are laminated safety glass (*i.e.*, two layers of (typically float) glass with a sheet of clear or tinted plastic in between (usually polyvinyl butyral)), which are produced and sold for use by automotive glass installation shops to replace windshields in automotive vehicles (*e.g.*, passenger cars, light trucks, vans, sport utility

vehicles, etc.) that are cracked, broken or otherwise damaged.

ARG windshields subject to this investigation are currently classifiable under subheading 7007.21.10.10 of the Harmonized Tariff Schedules of the United States (HTSUS). Specifically excluded from the scope of this investigation are laminated automotive windshields sold for use in original assembly of vehicles. While HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

As discussed in our notice of initiation, the scope of this investigation poses unique problems of administration. For the final determination, we continue to invite parties to provide information on physical characteristics which would allow U.S. Customs officials to distinguish between ARG windshields, and windshields for new automobiles. We also invite comments on procedures for administering any order which may result from this investigation on the basis of end use. Finally, information on the record shows that all windshields imported from the PRC during the POI were ARG windshields; consequently, we note that even if the scope of this order were to cover all windshields, the Department would have all the information necessary to make a final determination.

Selection of Respondents

Section 777A(c)(1) of the Act directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. However, section 777A(c)(2) of the Act gives the Department discretion, when faced with a large number of exporters/producers, to limit its examination to a reasonable number of such companies if it is not practicable to examine all companies. Where it is not practicable to examine all known producers/exporters of subject merchandise, this provision permits the Department to investigate either: (1) a sample of exporters, producers, or types of products that is statistically valid based on the information available to the Department at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined. After consideration of the complexities expected to arise in this proceeding and the resources available to the Department, we determined that it was not practicable in this investigation to examine all known producers/exporters of subject merchandise. Instead, we limited our examination to the exporters and producers accounting for the largest volume of the subject merchandise pursuant to section 777A(c)(2)(B) of the Act. FYG and Xinyi (collectively, ''respondents'') were the two largest cooperative exporters and accounted for the majority of all exports of the subject merchandise from the PRC during the POI, as reported by the two producers/exporters at the time we made our respondent selection, and we therefore selected them as mandatory respondents. *See Memorandum from Rick Johnson to Edward Yang: Selection of Respondents: Antidumping Duty Investigation of Automotive Replacement Glass (''ARG'') Windshields from the People's Republic of China*, May 7, 2001.

Nonmarket Economy Country Status

The Department has treated the PRC as a non-market economy (''NME'') country in all past antidumping investigations (*see, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China*, 65 FR 19873 (April 13, 2000) (*Apple Juice*)). A designation as an NME remains in effect until it is revoked by the Department (*see* section 771(18)(C) of the Act). No party to this investigation has requested a revocation of the PRC's NME status. We have, therefore, preliminarily determined to continue to treat the PRC as an NME country. When the Department is investigating imports from an NME, section 773(c)(1) of the Act directs us to base the normal value (''NV'') on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the ''Normal Value'' section, below.

Furthermore, no interested party has requested that the ARG windshield industry in the PRC be treated as a market-oriented industry and no information has been provided that would lead to such a determination. Therefore, we have not treated the ARG windshield industry in the PRC as a market-oriented industry in this investigation.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in an NME country this single rate, unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. The two companies that the Department selected to investigate (*i.e.*, FYG and Xinyi), and the PRC companies that were not selected as mandatory respondents by the Department for this investigation, but which have submitted separate rates responses (*i.e.*, Benxun, Changchun, Guilin and Wuhan) have provided the requested separate rates information and have stated that, for each company, there is no element of government ownership or control. Additionally, with respect to TCGI, a Canadian reseller, no analysis *of de jure or de facto* control by the PRC is necessary, because it is a company operating in a market economy. Thus, the following discussion of separate rates does not include an analysis of TCGI. We have assigned a separate rate to TCGI because it has provided information indicating that its PRC supplier does not have knowledge that its sales to TCGI are destined for the United States.

We considered whether each PRC company is eligible for a separate rate. The Department's separate rate test to determine whether the exporters are independent from government control does not consider, in general, macroeconomic/border-type controls, *e.g.,* export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision-making process at the individual firm level. *See, e.g., Certain Cut-to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value,* 62 FR 61754, 61757 (November 19, 1997); *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 62 FR 61276, 61279 (November 17, 1997).

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (''Sparklers''), as amplified by, *Final Determination of Sales at Less*

Than Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). In accordance with the separate rates criteria, the Department assigns separate rates in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

1. Absence of *De Jure* Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *See Sparklers*, 56 FR at 20508.

All six PRC companies seeking separate rates reported that the subject merchandise was not subject to any government list regarding export provisions or export licensing, and was not subject to export quotas during the POI. Each company also submitted copies of its respective Certificate of Approval for the Establishment of Enterprises with Foreign Investment. We found no inconsistencies with the exporters' claims of the absence of restrictive stipulations associated with an individual exporter's business and export licenses. Our examination of the record indicates that each exporter submitted copies of the legislation of the People's Republic of China or documentation demonstrating the statutory authority for establishing the *de jure* absence of government control over the companies. Thus, we believe that the evidence on the record supports a preliminary finding of *de jure* absence of governmental control based on: (1) An absence of restrictive stipulations associated with the individual exporter's business and export licenses; and (2) the applicable legislative enactments decentralizing control of the companies.

2. Absence of *De Facto* Control

The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. *See Silicon Carbide,* 59 FR at 22586–87; *see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China,* 60 FR 22544, 22545 (May 8, 1995). As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. *See Silicon Carbide,* 56 FR at 22587. Therefore, the Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

Regarding whether each exporter sets its own export prices independently of the government and without the approval of a government authority, each exporter reported that it determines its prices for sales of the subject merchandise based on the cost of the merchandise, movement expenses, overhead, profit, and the market situation in the United States. Each exporter stated that it negotiates prices directly with its customers. Also, each exporter claimed that its prices are not subject to review or guidance from any governmental organization.

Regarding whether each exporter has authority to negotiate and sign contracts and other agreements, our examination of the record indicates that each exporter reported that it has authority to negotiate and sign contracts and other agreements. Also, each exporter claimed that its negotiations are not subject to review or guidance from any governmental organization. There is no evidence on the record to suggest that there is any governmental involvement in the negotiation of contracts.

Regarding whether each exporter has autonomy in making decisions regarding the selection of management our examination of the record indicates that each exporter reported that it has autonomy in making decisions regarding the selection of management. Also, each exporter claimed that its selection of management is not subject to review or guidance from any governmental organization. There is no evidence on the record to suggest that there is any governmental involvement in the selection of management by the exporters.

Regarding whether each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses, our examination of the record indicates that each exporter reported that it retains the proceeds of its export sales, using profits according to its business needs. Also, each exporter reported that the allocation of profits is determined by its top management. There is no evidence on the record to suggest that there is any governmental involvement in the decisions regarding disposition of profits or financing of losses.

Therefore, we determine that the evidence on the record supports a preliminary finding of *de facto* absence of governmental control based on record statements and supporting documentation showing that: (1) Each exporter sets its own export prices independent of the government and without the approval of a government authority; (2) each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses; (3) each exporter has the authority to negotiate and sign contracts and other agreements; and (4) each exporter has autonomy from the government regarding the selection of management.

The evidence placed on the record of this investigation by FYG, Xinyi, Benxun, Changchun, Guilin and Wuhan demonstrates an absence of government control, both in law and in fact, with respect to each of the exporter's exports of the merchandise under investigation, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*. Therefore, for the purposes of this preliminary determination, we are granting separate rates to each of the six exporters which shipped ARG windshields to the United States during the POI and provided complete questionnaire responses. For a full discussion of this issue, see the memorandum from Laurel LaCivita to Edward Yang, *Separate Rates Analysis for the Preliminary Determination,* dated August 31, 2001 (''*Separate Rates Memo*'').

Facts Available

Section 776(a) of the Act provides that, if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested, significantly impedes a proceeding under the antidumping statute, or provides information which cannot be verified, the Department shall use, subject to sections 782(d) of the Act, facts otherwise available in reaching the

applicable determination. Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if that information is necessary to the determination but does not meet all of the requirements established by the Department provided that all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting Department requirements; and (5) the information can be used without undue difficulties.

Section 776(a)(2)(B) of the Act requires the Department to use facts available when a party does not provide the Department with information by the established deadline or in the form and manner requested by the Department. In addition, section 776(b) of the Act provides that, if the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of that party as facts otherwise available.

PRC-Wide Rate

As discussed above (*see* ''Separate Rates''), all PRC producers/exporters that do not qualify for a separate rate are treated as a single enterprise. As noted above in ''Case History'', all producers/exporters were given the opportunity to respond to the Department's questionnaire regarding volume and value of U.S. sales. As explained above, we received timely responses from FYG, Xinyi, Benxun, TCGI, Changchun, Guilin, and Wuhan. The Department did not receive responses from the following companies: Lung Ta Glass Industrial Company Ltd.; Shanghai Jamyf Decoration Materials Company Ltd.; Sino-Foreign Joint Venture; Liu Zhou Steel Glass Factory; Luoyang Glass Company Limited; Tianjin NSG Safety Glass Company Ltd.; Yangzhou Tang Cheng Safety Glass; Boading Sanyuan Safety Glass Company, Ltd.; Best Safety-Glass; Zhuhai Singyes Auto Safety Glass Factory; Qinhuangdao Haiyan Safety Glass Company Ltd.; Changzhou Industry Technical Glass Factory; Tianjin Sanlian Skilled Glass Works; Tianjin Riban Glass Co., Ltd.; Jieyang Jiantong Automobile Glass Co., Ltd.; Shanghai Yanfeng Automotive Trim Co.; Luoyang Float Glass Group Import & Export Corp.; Hebei Tong Yong Glass Industry Limited Company; Yantai Yanhua Glass Products Co., Ltd.; Hangzhou Safety Glass Co., Ltd.; Guandong Lunjiao Autoglass Co.; Shanghai Fu Hua Glass Co., Ltd.; and Dongguan Kongwan Automobile Glass. As discussed in the Case History section, FYG explained that Fujian Wanda is an affiliated manufacturer of subject merchandise and Fujian Wanda's information is included in FYG's information. Therefore, we have preliminarily determined that Fujian Wanda is not an uncooperative party and we have removed Fujian Wanda from the list of uncooperative parties. The Department notes that import data from the United States International Trade Commission Dataweb shows imports of ARG windshields from the PRC during the POI are significantly higher than the imports submitted by FYG, Xinyi, Benxun, TCGI and Changchun, Guilin and Wuhan (*see* http://*www.usitc.gov,* and *Respondent Selection Memorandum from Rick Johnson to Edward Yang,* May 7, 2001). Therefore, the Department preliminarily determines that there were exports of the merchandise under investigation from the single PRC entity, and that the single entity failed to respond to the Department's request for information.

As set forth above, section 776(b) of the Act provides that, in selecting from among the facts available, the Department may employ adverse inferences against an interested party if that party failed to cooperate by not acting to the best of its ability to comply with requests for information. *See* also ''Statement of Administrative Action'' accompanying the URAA, H.R. Rep. No. 103–316, 870 (1994) (''SAA''). The Department finds that exporters (*i.e.,* the single PRC entity) who did not respond to our request for information have failed to cooperate to the best of their ability. Therefore, the Department preliminarily finds that, in selecting from among the facts available, an adverse inference is appropriate. Consistent with Department practice in cases where a respondent is considered uncooperative, as adverse facts available, we have applied 124.50 percent, the highest rate calculated in the initiation stage of the investigation from information provided in the petition (as adjusted by the Department). *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod From Germany,* 63 FR 10847 (March 5, 1998).

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation as facts available, it must, to the extent practicable, corroborate that information from independent sources reasonably at its disposal. Secondary information is described in the SAA as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See SAA* at 870. The SAA provides that to ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. *See id.* The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *Id.* As noted in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews,* 61 FR 57391, 57392 (November 6, 1996) (''TRBs''), to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

In order to determine the probative value of the initiation margin for use as facts otherwise available for the purposes of this determination, we examined evidence supporting the initiation calculations. We successfully corroborated the information in the initiation regarding price to price comparisons. *See Memorandum from Edward Yang to Joseph Spetrini: Preliminary Determination in the Antidumping Investigation of Automotive Replacement Glass Windshields from the People's Republic of China: Total Facts Available Corroboration Memorandum for All Others Rate,* dated September 10, 2001.

Consequently, we are applying a single antidumping rate—the PRC-wide rate—to all other exporters in the PRC based on our presumption that those respondents who failed to demonstrate entitlement to a separate rate constitute a single enterprise under common control by the Chinese government. *See, e.g., Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China,* 65 FR 25706, 25707 (May 3, 2000) (''*Synthetic Indigo*''). The PRC-wide rate applies to all entries of the merchandise under

investigation except for entries from FYG, Xinyi, Benxun, TCGI, Changchun, Guilin, and Wuhan.

Because this is a preliminary margin, the Department will consider all margins on the record at the time of the final determination for the purpose of determining the most appropriate final PRC-wide margin. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation,* 65 FR 1139 (January 7, 2000).

Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's factors of production, valued in a surrogate market economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, the Department, in valuing the factors of production, shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that: (1) Are at a level of economic development comparable to that of the NME country; and (2) are significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the NV section below.

The Department has determined that India, Pakistan, Indonesia, Sri Lanka and the Philippines are countries comparable to the PRC in terms of economic development. *See Memorandum from Jeffrey May to Rick Johnson: Antidumping Duty Investigation on Automotive Replacement Glass Windshields from the People's Republic of China,* dated June 12, 2001. Customarily, we select an appropriate surrogate country based on the availability and reliability of data from the countries. For PRC cases, the primary surrogate country has often been India if it is a significant producer of comparable merchandise. In this case, we have found that India is a significant producer of comparable merchandise. *See Surrogate Country Selection Memorandum to The File from Laurel LaCivita,* dated September 10, 2001, (''Surrogate Country Memorandum'').

We used India as the primary surrogate country and, accordingly, we have calculated NV using Indian prices to value the PRC producers' factors of production, when available and appropriate. *See Surrogate Country Memorandum.* We have obtained and relied upon publicly available information wherever possible. *See Factor Valuation Memorandum to The File from Case Analysts,* dated September 10, 2001 (''*Factor Valuation Memorandum*'').

In accordance with section 351.301(c)(3)(i) of the Department's regulations, for the final determination in an antidumping investigation, interested parties may submit publicly available information to value factors of production within 40 days after the date of publication of this preliminary determination.

Critical Circumstances

On July 30, 2001, petitioners submitted a critical circumstances allegation, stating there is a reasonable basis to believe or suspect that critical circumstances exist in the antidumping investigation concerning ARG windshields from the PRC. In accordance with 19 CFR 351.206(c)(1)(2)(i), because petitioners submitted a critical circumstances allegation 20 days or more before the scheduled date of the preliminary determination, the Department is issuing a preliminary critical circumstances determination no later than the date of the preliminary determination. Section 733(e) of the Act provides that, in a preliminary determination, the Department may determine, in the event that petitioners allege critical circumstances, whether: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there would be material injury by reason of such sales; and (B) there have been massive imports of the subject merchandise over a relatively short period.

1. History or Knowledge of Dumping and Material Injury

In determining whether there is a reasonable basis to believe or suspect that there is a history of dumping and material injury by reason of dumped imports, the Department considers evidence of an existing antidumping order on ARG windshields from PRC in the United States or elsewhere to be sufficient. In this case, petitioners state that to their knowledge that no antidumping duty orders that cover ARG windshields are currently in effect in other countries. Because we have not found a history of dumping causing material injury with respect to ARG windshields from the PRC, we have therefore examined whether there exists a reasonable basis to believe or suspect that an importer knew or should have known that the foreign producer/exporter was selling the subject merchandise at less than fair value.

The Department's normal practice in determining importer knowledge is to consider margins of 25 percent or more for export price (''EP'') sales and 15 percent or more for constructed export price (''CEP'') sales sufficient to impute such knowledge to the importer. *See Preliminary Critical Circumstances Determination: Honey from the People's Republic of China*, 60 FR 29824 (June 6, 1995); *Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China*, 62 FR 31972, 31978 (June 11, 1997); *Notice of Preliminary Determination of Sales at Less than Fair Value and Postponement of Final Determination: Stainless Steel Butt-Weld Pipe Fittings From Italy*, 65 FR 47388, 47391 (August 2, 2000). We note that the preliminary margins we have found in this case do not exceed 25 percent for Xinyi, Benxun, TCGI, Changchun, Guilin, Wuhan, EP sales made by FYG; therefore, these companies do not meet the threshold for EP sales above which the Department will impute importer knowledge of dumping. For FYG's CEP sales, the preliminary margin falls below the 15 percent threshold for CEP sales above which the Department will impute importer knowledge of dumping. With regard to the aforementioned companies, therefore, the Department preliminarily finds a lack of importer knowledge. The preliminary margins exceed the 25 percent threshold with regard to the PRC-wide entity and, therefore, we have imputed knowledge of dumping with respect to the PRC-wide entity.

Additionally, the Department will also consider if the ''{International Trade Commission} finds a reasonable indication of present material injury to the relevant U.S. industry'' in determining whether there is reason to believe or suspect that importers knew or should have known that there was likely to be material injury by reason of dumped imports. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Honey from the People's Republic of China*, 66 FR 24101, 24107 (May 11, 2001). If the ITC finds a reasonable indication of present material injury to the relevant U.S. industry, the Department will determine that a reasonable basis exists to impute importer knowledge that there was likely to be material injury by reason of dumped imports. In this case, the ITC has found that a reasonable indication

of present material injury due to dumping exists for subject imports of ARG windshields from the PRC. *See Automotive Replacement Glass Windshields from China, Inv. No. 731–TA–922 (Preliminary) USITC Public. 3413*, 66 FR 20682 (April 24, 2001). As a result, the Department preliminarily determines that there is a reasonable basis to believe or suspect that importers of ARG windshields from the PRC-wide entity knew or should have known that there was likely to be material injury by reason of dumped imports of the subject merchandise from the PRC.

2. Massive Imports

In order to determine whether imports of the merchandise have been massive over a relatively short period pursuant to section 733(e)(1)(B) of the Act and in accordance with 19 CFR 351.206(h), we consider: (1) Volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department normally compares the export volume for equal periods immediately preceding and following the filing of the petition. Consistent with 19 CFR 351.206(h), unless imports in the comparison period have increased by at least 15 percent over the imports during the base period, we normally will not consider the imports to have been ''massive.'' In addition, pursuant to 19 CFR 351.206(i), the Department may use an alternative period if we find that importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely. In this case, no party argued that prior to the filing of the petition, importers, exporters, or producers of ARG windshields had reason to believe that an antidumping proceeding was likely. Therefore, to determine whether imports of subject merchandise have been massive over a relatively short period, we considered import volumes from the base period as compared to the comparison period. Imports normally will be considered massive when imports have increased by 15 percent or more during this ''relatively short period.''

With respect to the PRC-wide entity, U.S. Customs data do not permit the Department to analyze imports from the PRC-entity of the product at issue, because it is not possible to link (and therefore subtract out) individual exporters reported shipment data with U.S. Customs import data (e.g., due to time differentials between export from the PRC and import into the United States, the involvement of resellers, and split shipments). Because the U.S. Customs data include imports from companies who have cooperated in this investigation, we are therefore unable to analyze whether there have been massive imports from the single PRC-wide entity using information specific to the PRC-wide entity. In addition, we found no other independent sources of information covering all exports from the PRC-wide entity. Because we have no independent means by which to determine import levels for the PRC-wide entity, we have determined, as adverse facts available, that because this entity did not provide an adequate response to our questionnaire, there were massive imports of subject merchandise. This is consistent with past Department practice. *See Notice of Final Determination of Sales at Less Than Fair Value; Certain Preserved Mushrooms from the People's Republic of China*, 63 FR 72255, 72263 (December 31, 1998). We further note that in the instant case, aggregate imports of ARG windshields from the PRC during the comparison period increased by 37.98 percent by quantity and 29.80 percent by value. *See* Attachment 1 of the *Memorandum from Edward C. Yang to Joseph A. Spetrini: Antidumping Duty Investigation of Automotive Replacement Glass Windshields from the People's Republic of China: Preliminary Determination of Critical Circumstances (''Preliminary Critical Circumstances Memorandum*''), September 10, 2001. Pursuant to section 733(e) of the Act and § 351.206(h) of the Department's regulations, we determine that massive imports of subject merchandise over a relatively short period exist for the PRC-wide entity.

Concerning seasonal trends, we have no reason to believe that seasonal trends affected the import levels in this case, nor have any interested parties made such an argument. Therefore, in determining whether imports were massive over the ''relatively short period,'' we did not analyze the affects of seasonal trends.

Based on our determination that there is knowledge of dumping and material injury by reason of dumped imports of the subject merchandise from the PRC-wide entity, and that there have been massive imports of ARG windshields from the PRC-wide entity over a relatively short period, we preliminarily determine that critical circumstances exist for imports of ARG windshields from the PRC manufactured and/or exported by the PRC-wide entity. We preliminarily find that critical circumstances do not exist for FYG, Xinyi, Benxun, TCGI, Changchun, Guilin, and Wuhan based on lack of importer knowledge.

Fair Value Comparisons

To determine whether sales of ARG windshields to the United States by FYG and Xinyi were made at less than fair value, we compared export price (''EP'') or constructed export price (''CEP''), as appropriate, to NV, as described in the ''Export Price and Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs or CEPs.

Export Price and Constructed Export Price

In accordance with section 772(a) of the Act, export price is the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States, as adjusted under subsection (c). In accordance with section 772(b) of the Act, constructed export price is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under subsections (c) and (d).

In accordance with section 772(a) of the Act, we used EP for Xinyi because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation and because CEP was not otherwise indicated. As explained below, for FYG we used CEP and EP. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs or CEPs to the NVs.

FYG

We calculated EP for FYG based on delivered prices to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. These included foreign inland freight from the plant to the port of exportation, inland insurance, brokerage and handling, marine insurance, ocean freight, U.S. customs duty and U.S. inland freight. FYG reported all movement expenses

paid in market-economy currency to market economy carriers in a single field. The charges in this single field include brokerage and handling, foreign inland freight, ocean freight, and U.S. inland freight. Because FYG used market-economy carriers for a portion of its U.S. sales, FYG reported and we have used its reported market-economy prices paid to market-economy carriers for deliveries to the same or similar destinations as the basis for the adjustment for freight expenses paid to non-market-economy carriers, consistent with Department practice. See *Issues and Decision Memorandum for the Investigation of Sales at Less Than Fair Value of Synthetic Indigo from the People's Republic of China*, where the Department stated: ''To value the marine insurance expense Jiangsu Taifeng incurred on certain sales, we applied the insurance premium rate Jiangsu Taifeng's affiliate Wonderful paid to a market-economy insurer''. *Synthetic Indigo from the People's Republic of China; Notice of Final Determination of Sales at Less Than Fair Value*, 65 FR 25706 (May 3, 2000) and accompanying Issues and Decision Memorandum (Changes from the Preliminary Determination). We also made adjustments to starting price for freight revenue, molding, quantity discounts, and breakage discounts, where appropriate.

We calculated weighted-average CEP for FYG's U.S. sales made in the United States through its U.S. affiliate Greenville Glass Industries, Inc. (''GGI''). We based CEP on packed prices to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act; these included, where appropriate, foreign inland freight from the plant to the port of exportation, inland insurance, brokerage and handling, marine insurance, ocean freight, U.S. customs duty and U.S. inland freight. As described above, FYG reported a single field for brokerage and handling, foreign inland freight, ocean freight and U.S. inland freight. Because transportation for certain sales were provided by NME companies, we based expenses associated with these sales on expenses paid to market-economy carriers as described above (*i.e.*, we have used FYG's reported expenses paid to market-economy carriers to value expenses paid to non-market-economy carriers). In accordance with section 772(d)(1) of the Act, we deducted from CEP direct selling expenses (*i.e.*, credit and warranty expenses) and indirect selling expenses that were associated with FYG's affiliate GGI's economic activities occurring in the United States. For credit expenses, for those sales where no payment date was reported, we set the payment date equal to the date of these preliminary results (*i.e.*, September 10, 2001). Finally, we also made an adjustment for profit in accordance with section 772(d)(3) of the Act. *See FYG Analysis Memorandum.* We also made an adjustment for molding.

Xinyi

We calculated EP for Xinyi based on prices to unaffiliated purchasers in the United States. We adjusted for inland freight as reported by Xinyi. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. These included, where appropriate, domestic inland freight, brokerage and handling, ocean freight, port terminal handling charges in Hong Kong, marine insurance and U.S. Customs duty. Xinyi reported that it used both market and non-market economy carriers for foreign inland freight. Because foreign inland freight for certain sales was provided by NME companies, we based these expenses for these sales on Xinyi's reported foreign inland freight expenses paid to market-economy carriers, consistent with our treatment of movement expenses for FYG's international freight expenses. *See Factor Valuation Memorandum,* and FYG's U.S. price discussion, above. In addition, we made deductions from the starting price, where appropriate, for other discounts, rebates and billing adjustments. *See Xinyi Analysis Memorandum.*

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors-of-production methodology if: (1) The merchandise is exported from an NME country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

Factors of production include: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We used factors of production, reported by respondents, for materials, energy, labor, by-products, and packing.

In accordance with 19 CFR 351.408(c)(1), the Department will normally use publicly available information to value factors of production. However, the Department's regulations also provide that where a producer sources an input from a market economy and pays for it in market economy currency, the Department employs the actual price paid for the input to calculate the factors-based NV. *Id.; see* also *Lasko Metal Products* v. *United States,* 43 F. 3d 1442, 1445–1446 (Fed. Cir. 1994) (*''Lasko''*). Respondents FYG and Xinyi reported that some of their inputs were sourced from market economies and paid for in a market economy currency. *See Factor Valuation Memorandum,* dated September 10, 2001 for a listing of these inputs.

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by respondents for the POI. To calculate NV, the reported per-unit factor quantities were multiplied by publicly available Indian surrogate values (except as noted below). In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices by including freight costs to make them delivered prices. Specifically, we added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp.* v. *United States,* 117 F. 3d 1401 (Fed. Cir. 1997). For a detailed description of all surrogate values used for respondents, see *Factor Valuation Memorandum.*

Except as noted below, we valued raw material inputs using the weighted-average unit import values derived from the *Monthly Trade Statistics of Foreign Trade of India—Volume II—Imports (''Indian Import Statistics'')* for the time period corresponding to the POI. Where POI-specific Indian Import Statistics data were not available, we used *Indian Import Statistics* data from an earlier period (*i.e.,* April 1, 1999 through March 31, 2000; April 1, 2000 through September 30, 2000; and April 1, 2000 through December 31, 2000). As appropriate, we adjusted rupee-denominated values for inflation using wholesale price indices published in the International Monetary Fund's *International Financial Statistics* and excluded taxes. We valued certain of Xinyi's material inputs using contemporaneous data from the Indian publication *Chemical Weekly. See Factor Valuation Memorandum.*

As noted above, respondents Xinyi and FYG sourced certain raw material inputs from market economy suppliers

and paid for them in market economy currencies. Specifically, FYG sourced float glass, PVB, ceramic ink, silver paste, molding, antenna/connector, antenna copper wire, mirror button PVB, and mirror button from market economy suppliers. Xinyi reported that it sourced certain green glass, PVB both clear and shade band types, glass enamel black ink, black ink dilute medium, silver paint paste, and silicon powder from market economy suppliers. For this preliminary determination, the Department has used the market economy prices for the inputs listed above, in accordance with 19 CFR 351.408(c)(1), with one exception. Specifically, based on the fact that the Department has reason to believe or suspect that market economy prices from one country are subsidized, we have disallowed the use of the companies' reported actual prices for float glass. Because information regarding the identity of the source country is proprietary, see the business proprietary version of the *Factor Valuation Memo* for a full discussion of this issue. We added to the weighted-average price for each input the Indian surrogate value for transporting the input to the factory, where appropriate (*i.e.,* where the sales terms for the market economy inputs were not delivered to the factory).

As explained in the preamble to 19 CFR 351.408(c)(1), where the quantity of the input purchase was insignificant, we do not rely on the price paid by an NME producer to a market economy supplier. *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27366 (May 19, 1997). Xinyi's reported information demonstrates that the quantity of one of its inputs which it sourced from market economy suppliers was so small as to be insignificant when compared to the quantity of the same input it sourced from PRC suppliers. *See Factor Valuation Memorandum* for Xinyi's reported percentage from market economy suppliers. Therefore, as the amount of this reported market economy input is insignificant, we did not use the price paid by Xinyi for this input and instead used *Indian Import Statistics* data, as adjusted for inflation.

We used Indian transport information to value transport for raw materials. For all instances in which respondents reported delivery by truck to calculate domestic inland freight (truck), we used an average of multiple price quotes from an Indian trucking company for transporting materials between Mumbai and various Indian cities, which was provided in Exhibit 24 to FYG's July 23, 2001 surrogate value submission. We converted the Indian rupee value to U.S. dollars and adjusted for inflation through the POI.

Respondents identified a number of by-products which they claimed are recovered in the production process and/or sold. FYG's by-products include scrap PVB, scrap glass pieces, shattered scrap glass, other scrap glass, iron scrap, scrap wood pallets, scrap plastic film, scrap aluminum foil, scrap plastic tube and scrap palythene pallets. Xinyi's by-products are scrap glass and scrap PVB. The Department has offset the respondents' cost of production by the amount of a reported by-product (or a portion thereof) where respondents indicated that the by-product was sold and/or where the record evidence clearly demonstrates that the by-product was re-entered into the production process. See *Factor Valuation Memorandum* for a complete discussion of by-product credits given and the surrogate values used. To value the by-product cullet, we used a surrogate value from India Infoline, because the surrogate value for cullet (scrap glass) included in the Indian import statistics appears aberrational when compared with the values submitted by petitioner from multiple sources, including Recycling Manager, House of Glass, and India Infoline (including the companies Triveni Glass Ltd. and Excel Glasses Ltd.). We took a simple average of the prices provided for the most contemporaneous period for the companies Triveni Glass Ltd. and Excel Glasses Ltd. See *Factor Valuation Memorandum* for a full discussion.

For energy, to value electricity, we used 1997 data reported as the average Indian domestic prices within the category ''Electricity for Industry,'' published in the International Energy Agency's publication, *Energy Prices and Taxes,* Second Quarter 2000, as adjusted for inflation. We valued water using the Asian Development Bank's *Second Water Utilities Data Book: Asian and Pacific Region (1997).* We valued coal using data from Indian Import Statistics.

For direct, indirect, and packing labor, consistent with section 351.408(c)(3) of the Department's regulations, we used the PRC regression-based wage rate at Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in May 2000 (*see http://ia.ita.doc.gov/wages*). The source of the wage rate data on the Import Administration's Web site is the *1999 Year Book of Labour Statistics,* International Labor Office (Geneva: 1999), Chapter 5B: Wages in Manufacturing.

To value factory overhead, and selling, general and administrative expenses (''SG&A''), we used the audited financial statements for the period April 2000—December 2000 from an Indian producer of laminated and tempered automotive safety glass, Saint-Gobain Sekurit India Limited (''St.-Gobain''). See *Factor Valuation Memorandum* for a full discussion of the calculation of these ratios from St.-Gobain's financial statements.

To value profit, we used the profit experience of Asahi India Safety Glass Limited (''Asahi'') for the period April 1999—March 2000, because St.-Gobain experienced a loss for the period April 2000—December 2000, and because no other financial statements provided on the record of this proceeding showed a profit. We note that the decision to use Asahi's profit experience only (*i.e.,* as opposed to using an average of all profit figures from the financial statements on the record) is in accordance with Department practice. See *Notice of Final Determination of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from the People's Republic of China,* 66 FR 33522 (June 22, 2001) and accompanying Issues and Decision Memorandum at Comment 8, where the Department disregarded the use of SAIL's financial statements in order to derive ''an element of profit as intended by the Statement of Administrative Action (SAA) accompanying the Uruguay Agreements Act.''). For a further discussion of the surrogate value for profit, see *Factor Valuation Memorandum.*

Finally, we used *Indian Import Statistics* to value material inputs for packing. We used *Indian Import Statistics* data for the period April 1, 2000 through December 31, 2000 and April 1, 2000 through December 31, 2000. *See Factor Valuation Memorandum.*

Verification

As provided in section 782(i)(1) of the Act, we intend to verify all company information relied upon in making our final determination.

Rate for Producers/Exporters That Responded Only to Separate Rates Questionnaire

For those PRC producers and exporters of ARG windshields that provided separate rates information, we have calculated a weighted-average margin based on the rates calculated for those producers/exporters that were selected to respond. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Freshwater Crawfish Tail Meat From the People's Republic of China,* 62 FR 41347, 41350 (August 1, 1997).

Final Critical Circumstances Determination

We will make a final determination concerning critical circumstances for the PRC when we make our final determination regarding sales at LTFV in this investigation, which will be no later than 135 days after the publication of this notice in the **Federal Register**.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, for the PRC-wide entity, we are directing the U.S. Customs Service to suspend liquidation of all imports of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date 90 days prior to the date of publication of this notice in the **Federal Register**. For FYG, Benxun, Changchun, Guilin, Wuhan, and TCGI, in accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all imports of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the U.S. Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP or CEP, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. Because we have determined that ARG windshields produced by Xinyi are not being sold at LTFV, we are not directing the U.S. Customs Service to suspend liquidation of this merchandise. The weighted-average dumping margins are as follows:

WEIGHTED-AVERAGE PERCENT

Exporter/manufacturer	Margin
FYG	9.79
Xinyi	[1] 0.05
Benxun	[2] 9.79
Changchun	[2] 9.79
Guilin	[2] 9.79
Wuhan	[2] 9.79
TCGI	[2] 9.79
China-Wide	124.50

[1] De minimis.

[2] The rate for these companies is analogous to the Department's calculation of the All Others rate (*see* section 735(c)5 of the Act). It is equal to an average of all calculated margins other than any zero or de minimis margins, or any margins determined entirely under section 776 of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. *See* 19 CFR 351.309(c)(1)(i); 19 CFR 351.309(d)(1). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, any hearing will be held fifty-seven days after publication of this notice at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief. *See* 19 CFR 351.310(c).

If this investigation proceeds normally, we will make our final determination no later than 75 days after the date of the preliminary determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: September 10, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–23328 Filed 9–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–814, A–791–809]

Notice of Antidumping Duty Orders: Certain Hot-Rolled Carbon Steel Flat Products From Argentina and the Republic of South Africa

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 19, 2001.

FOR FURTHER INFORMATION CONTACT: David Bede or Charles Riggle, AD/CVD, Enforcement Group II, Office 5 at (202) 482–3693 and (202) 482–0650 respectively for Argentina; and Maureen Flannery or Doug Campau, AD/CVD, Enforcement, Group III, Office 7 at (202) 482–3020 and (202) 482–1395 respectively for South Africa, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2001).

Scope of Antidumping Duty Orders

Hot-Rolled Carbon Steel Flat Products From Argentina and the Republic of South Africa

For purposes of these orders, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight length, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill

plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of these orders.

Specifically included within the scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of these orders, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:
1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of these orders unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to these orders is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by these orders, including vacuum degassed fully stabilized, high strength low alloy, and the substrate for motor lamination steel may also enter under the following tariff classification numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00.

Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise subject to these proceedings is dispositive.

Antidumping Duty Orders

On August 27, 2001, in accordance with section 735(d) of the Act, the International Trade Commission (ITC) notified the Department that a U.S. industry is materially injured within the meaning of section 735(b)(1)(A) of the Act by reason of imports of certain hot rolled carbon steel flat products from Argentina and the Republic of South Africa (South Africa).

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct the Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price of the merchandise for all relevant entries of hot rolled carbon steel flat products from Argentina and South Africa. These antidumping duties will be assessed on (1) all unliquidated entries of imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001, the date of publication of the preliminary determinations in the **Federal Register**, and before September 3, 2001, the date the Department was required, pursuant to section 733(d)(3) of the Act, to terminate the suspension of liquidation; and (2) on all entries and withdrawals on or after the date of publication of these antidumping duty orders in the **Federal Register**. Entries of certain hot-rolled carbon steel flat products made on or after September 3, 2001 and prior to the date of publication of these orders in the **Federal Register** are not liable for the assessment of antidumping duties due to the Department's termination, effective September 3, 2001, of the suspension of liquidation. On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, cash deposits based on the rates listed below.

Manufacturer/ exporter	Margin (per-cent)
Argentina	
Siderar Saic (Siderar)	44.59%
All Others	40.60%
South Africa	
Highveld	9.28%
Iscor/Saldanha	9.28%
All Others	9.28%

This notice constitutes the antidumping duty orders with respect to certain hot-rolled carbon steel flat products from Argentina and South Africa, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: September 14, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–23329 Filed 9–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Stainless Steel Flanges From India; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On March 9, 2001, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on certain forged stainless steel flanges (flanges) from India (66 FR 14127). The review covers flanges manufactured by Echjay Forgings Ltd. (Echjay), Isibars Ltd. (Isibars), Panchmahal Steel Ltd. (Panchmahal), Patheja Forgings and Auto Parts Ltd. (Patheja), and Viraj Forgings Ltd. (Viraj). The period of review (POR) is February 1, 1999, through January 31, 2000. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: September 19, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–5222 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1999).

Background

We invited parties to comment on our preliminary results of review, and we received comments and rebuttals from the petitioner, and from the Coalition Against Indian Flanges, and we received comments from respondents Isibars, Panchmahal, and Viraj.

Scope of Review

The products under review are certain forged stainless steel flanges from India, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

Verifications

On November 30 and December 1 and 2, 2000, the Department conducted a verification of the antidumping response submitted by Panchmahal; *see* the February 15, 2001 memorandum to the file from Thomas Killiam, ''Sales Verification of Panchmahal Steel Ltd. (PSL)'' (Panchmahal verification report). From December 4 through December 6, 2000, the Department conducted a verification of Viraj; *see* the February 7, 2001 memorandum to the file from Thomas Killiam, ''Sales Verification of Viraj Forgings'' (Viraj verification report). Both companies submitted data corrections at verification.

Use of Facts Available

At the verification of Panchmahal, we discovered that sales reported as domestic were actually clearly labeled as export (*see* Panchmahal verification report at 9–10). Removing these sales from Panchmahal's home market reduced its home market volume to less than 5% of U.S. sales, thus making the home market not viable per section 351.404(b)(2) of the Department's regulations. For the preliminary results, we used constructed value for Panchmahal's normal value. However, for these final results, we have reconsidered our preliminary determination and, based on our findings at verification and petitioner's arguments in its case brief, we have determined that application of adverse facts available is appropriate. *See Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III, to Faryar Shirzad, Assistant Secretary for Import Administration, ''Issues and Decisions Memorandum for the Final Results in the Antidumping Duty Administrative Review of Certain Forged Stainless Steel Flanges from India (Flanges) from India''* (Decision Memo) dated concurrently with this notice.

As in the preliminary results, and for the reasons stated therein, we have continued to assign to Patheja the rate of 210%, based on adverse facts available.

Analysis of Comments Received

We received no briefs on Echjay, and made no changes in our analysis. Isibars, Panchmahal and Viraj submitted briefs, and Viraj gave a rebuttal brief. Petitioners submitted briefs on Panchmahal and Viraj, and rebuttal briefs to these two companies' briefs and also to Isibars' brief. The issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Joseph A. Spetrini, Deputy Assistant Secretary, Important Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated concurrently with this notice, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Record Unit, room B–099 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the International Trade Administration's Web site at

www.ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our verification and analysis of the comments received, we have changed our approach to the margin calculation for Panchmahal and Isibars. *See* the Decision Memo.

Final Results of the Review

We determine that the following percentage weighted-average margins exists for the period February 1, 1999, through January 31, 2000:

CERTAIN FORGED STAINLESS STEEL FLANGES FROM INDIA

Producer/manufacturer/exporter	Weighted-average margin (percent)
Echjay	0
Isibars	6.76
Panchmahal	61.31
Patheja	210.00
Viraj	21.10

Where applicable we calculated import-specific duty assessment rates in accordance with 19 CFR 351.212(b). The Department will issue appraisement instructions directly to the Customs Service to assess antidumping duties on appropriate entries, by applying the assessment rate to the entered value of the merchandise.

In addition, the following deposit requirements will be effective upon publication of this notice for all shipments of stainless steel flanges from India entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) For the companies reviewed, the cash deposit rates will be the rates listed above, (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 162.14 percent, the all others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.214.

September 5, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

Appendix—Issues in Decision Memorandum

Comments

Isibars: Petitioners object to Isibars' sales data revisions; Isibars objects to the use of constructed value instead of third country sales; Isibars objects to the Department's surrogate company choice; Isibars objects to the financial results period used for surrogate expense data; Isibars claims it did not get service of Echjay's published annual reports;

Panchmahal: Petitioners claim Panchmahal's misreported sales merit adverse facts available; Petitioners urge a more adverse approach to Constructed Value (moot); Petitioners urge a more adverse approach to Brokerage and Handling (moot); Panchmahal objects to the expense ratios from a surrogate company (moot);

Viraj: Petitioners claim Viraj improperly reported duty drawback; Petitioners claim fixed overhead was understated; Petitioners claim net interest expense was understated; Viraj asks that prices and costs be calculated per-piece, not per-kilogram; Viraj argues that the DIFMER Test and Per-Kilogram Costs distort results; Viraj objects to comparisons of rough to finished flanges; Viraj objects to the comparison of ASTM to DIN standard merchandise; Viraj objects to the use of its reported weights instead of its standard weights.

[FR Doc. 01–23330 Filed 9–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Cancellation of Partially Closed Meeting of the Manufacturing Extension Partnership National Advisory Board Scheduled For September 20, 2001

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Meeting Cancellation.

SUMMARY: The partially closed meeting of the Manufacturing Extension Partnership National Advisory Board, originally scheduled for September 20, 2001 at the National Institute of Standards and Technology is hereby canceled.

FOR FURTHER INFORMATION CONTACT: Contact Linda Acierto, Senior Policy Advisor, Manufacturing Extension Partnership, National Institute of Standards and Technology, Gaithersburg, MD 20899–4800, telephone 301–975–5033 or e-mail *linda.acierto@nist.gov.*

Dated: September 14, 2001.

Michael R. Rubin,

Acting Chief Counsel for Technology.

[FR Doc. 01–23444 Filed 9–18–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: This notice is being republished to proved an additional thirty (30) day comment period. The original notice was published on September 11, 2001 (66 FR 47176). Changes to Page 2 of the DLA Form 1822 have been submitted to the Office of Management and Budget. The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information

under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Office of Management and Budget has approved this information collection requirement for use through September 30, 2001.

DATES: Consideration will be given to all comments received by October 19, 2001.

Title, Form Number, and OMB Number: End-Use Certificate; DLA Form 1822; OMB Number 0704–0382.

Type of Request: Extension.

Number of Respondents: 40,000.

Response per Respondent: 1.

Annual Responses: 40,000.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 13,200.

Needs and Uses: All individuals wishing to acquire government property identified as Munitions List Items (MLI) or Commerce Control List Items (CCLI) must complete this form each time they enter into a transaction. It is used to clear recipients to ensure their eligibility to conduct business with the Government: that they are not debarred bidders; Specially Designated National (SDN) or Blocked Persons; have not violated U.S. export laws; will not divert the property to denied/sanctioned countries, unauthorized destinations or sell to debarred/Bidder Experience List firms or individuals. The End-Use Certificate (EUC) informs the recipients that when this property is to be exported, they must comply with the International Traffic in Arms Regulations (ITAR), 22 CFR parts 120 *et seq.*; Export Administration Regulations (EAR), 15 CFR parts 730 *et seq.*; Office of Foreign Asset Controls (OFAC), 31 CFR 500 *et seq.*; and the United States Customs Service rules and regulation. The form is available electronically.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: September 13, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–23283 Filed 9–18–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF01–4021–000, et al.]

Southwestern Power Administration, et al.; Electric Rate and Corporate Regulation Filings

September 12, 2001.

Take notice that the following filings have been made with the Commission:

1. Southwestern Power Administration

[Docket No. EF01–4021–000]

Take notice that the Deputy Secretary, U.S. Department of Energy, on August 31, 2001, submitted to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis, pursuant to the authority vested in the FERC by Delegation Order No. 0204–172, November 24, 1999, an annual power rate of $353,700 for the sale of power and energy by the Southwestern Power Administration (Southwestern) from the Robert Douglas Willis Hydropower Project (Robert D. Willis) to Sam Rayburn Municipal Power Agency (SRMPA). The rate was confirmed and approved on an interim basis by the Deputy Secretary in Rate Order No. SWPA–46 for the period October 1, 2001, through September 30, 2005, and has been submitted to FERC for confirmation and approval on a final basis for the same period. The annual rate of $353,700 is based on the 2001 Revised Power Repayment Study for Robert D. Willis and represents an annual increase in revenue of $15,768 or 4.7 percent to satisfy repayment criteria. This rate supersedes the annual power rate of $337,932, which FERC approved on a final basis January 20, 2000, under Docket No. EF99–4081–000 for the period October 1, 1999, through September 30, 2003.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Southwestern Power Administration

[Docket No. EF01–4081–000]

Take notice that the Deputy Secretary, U.S. Department of Energy, on August 31, 2001, submitted to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis, pursuant to the authority vested in the FERC by Delegation Order No. 0204–172, November 24, 1999, an annual power rate of $2,077,632 for the sale of power and energy by the Southwestern Power Administration (Southwestern) from the Sam Rayburn Hydropower Project (Rayburn) to Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC). The rate was confirmed and approved on an interim basis by the Deputy Secretary in Rate Order No. SWPA–47 for the period October 1, 2001, through September 30, 2005, and has been submitted to FERC for confirmation and approval on a final basis for the same period. The annual rate of $2,077,632 is based on the 2001 Revised Power Repayment Study for Rayburn and represents an annual decrease in revenue of $90,504, or 4.2 percent, the lowest possible rate required to meet cost recovery criteria.

This rate supersedes the annual power rate of $2,168,136, which FERC approved on a final basis December 7, 1994, under Docket No. EF94–4021–000 for the period January 1, 1994, through September 30, 1998. The rate was extended for three years, in one-year intervals, with the most recent effective October 1, 2000, through September 30, 2001, in accordance with the Secretary of Energy's interim approval, dated September 15, 2000, 65 FR 55953.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. NRG International Holdings (No. 2) GmbH

[Docket No. EG01–298–000]

Take notice that on August 31, 2001, NRG Holdings Company (No. 2) GmbH (Holdings), filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Holdings is a Gesellschaft mit beschränkter Haftung (limited liability company) existing under the laws of Switzerland, and will be engaged either directly or indirectly through one or more affiliates, as defined in section 2(a)(11)(B) of PUHCA, 15 U.S.C. 79b(a)(11)(B), and exclusively in the business of owning and/or operating all or part of one or more eligible facilities, and selling electric energy at wholesale. Holdings will hold an equity interest in TermoRio S.A., which is developing and will own a 1,040 MW gas-fired cogeneration facility located in the City of Duque de Caxias, State of Rio de Janeiro, Brazil (the Facility). The Facility will be an eligible facility pursuant to Section 32(a)(2) of PUCHA.

None of the electric energy produced by the Facility will be sold into the United States either at retail or otherwise.

Holdings has served a copy of the filing on the Securities and Exchange Commission and any affected state commissions.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Pastoria Energy Facility, LLC

[Docket No. EG01–299–000]

Take notice that on August 31, 2001, Pastoria Energy Facility, LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Pastoria Energy Facility, LLC, a Delaware limited liability company, proposes to own and operate an electric generating facility and sell the output at wholesale to electric utilities, an affiliated power marketer and other purchasers. The facility is a natural gas-fired, combined cycle generating facility, which is under construction approximately thirty miles south of Bakersfield, California.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Geysers Statutory Trust

[Docket No. EG01–300–000]

Take notice that on August 31, 2001, Geysers Statutory Trust (Geysers Trust) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator (EWG) status pursuant to part 365 of the Commission's regulations.

Geysers Trust is a Connecticut statutory trust formed for the benefit of Steam heat LLC, a Delaware limited liability company. Geysers Trust received determinations of EWG status in Docket No. EG99–120–000 by letter order dated May 7, 1999, Geysers Statutory Trust, 87 F.E.R.C. ¶ 62,159 (1999); in Docket No. EG00–16–000 by letter order dated December 28, 1999, Geysers Statutory Trust, 89 F.E.R.C. ¶ 62,250 (1999); and in Docket No. EG01–72–000 by letter order dated February 13, 2001, Geysers Statutory Trust, 94 F.E.R.C. ¶ 62,132 (2001), with respect to holding legal title to and leasing nineteen (19) geothermal generating facilities located in Lake County and Sonoma County, California. The instant application reflects that Geysers Trust will be the owner/lessor of one (1) additional geothermal generating facility, the Aidlin Geothermal Project, having a net generating capacity of approximately twenty (20) megawatts, located in Sonoma County, California.

Geysers Trust further states that copies of the application were served upon the Securities and Exchange Commission and the California Public Utilities Commission.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. Geysers Power Company, LLC

[Docket No. EG01–301–000]

Take notice that on August 31, 2001, Geysers Power Company, LLC (Geysers Power) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator (EWG) status pursuant to Part 365 of the Commission's regulations.

Geysers Power is a Delaware limited liability company and an indirect wholly owned subsidiary of Calpine Corporation (Calpine). Geysers Power received determinations of EWG status in Docket No. EG99–109–000 by letter order dated April 28, 1999, Geysers Power Company, LLC, 87 F.E.R.C. ¶ 62,115 (1999); in Docket No. EG00–18–000 by letter order dated December 28, 2000, Geysers Power Company, LLC, 89 F.E.R.C. ¶ 62,251 (1999); and in Docket No. EG01–73–000 by letter order dated January 30, 2001, Geysers Power Company, LLC, 94 F.E.R.C. ¶ 62,079 (2001), with respect to its current lease and operation of nineteen (19) geothermal generating facilities located in Lake County and Sonoma County, California.

The instant application reflects that Geysers Power will operate, generate, and sell power exclusively for resale from one (1) additional geothermal power generation facility, the Aidlin Geothermal Project, having a net generating capacity of twenty (20) MW, located in Sonoma County, California.

Geysers Power further states that copies of the application were served upon the Securities and Exchange Commission and the California Public Utilities Commission.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. Entergy Nuclear Indian Point 2, LLC

[Docket No. EG01–303–000]

Take notice that on September 6, 2001, Entergy Nuclear Indian Point 2, LLC, 40 Hamilton Avenue, White Plains, NY 10601, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. The applicant is a limited liability company that will engage directly or indirectly and exclusively in the business of owning and/or operating eligible facilities in the United States and selling electric energy at wholesale. The applicant proposes to own the Indian Point Nuclear Generating Unit No. 1 and Indian Point Generating Unit No. 2, located in Westchester County, New York and related gas turbine units. The applicant seeks a determination of its exempt wholesale generator status. All electric energy sold by the applicant will be sold exclusively at wholesale.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

8. Cementos Norte Pacasmayo Energiá S.A.

[Docket No. EG01–304–000]

Take notice that on September 7, 2001, Cementos Norte Pacasmayo Energiá S.A. (CNPE), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

CNPE is a sociedad anónima formed under the laws of Peru and will be engaged, directly and/or indirectly through its affiliates, and exclusively in the business of owning and/or operating all or part of one or more eligible facilities, and selling electric energy at wholesale. CNPE currently owns two generation facilities located in northern Peru, and, through its affiliate Arcata Energíca S.A., owns two hydroelectric power facilities in southern Peru (collectively, the Facilities). The Facilities will be eligible facilities pursuant to Section 32(a)(2) of PUHCA. None of the electric energy produced by the Facilities will be sold into the United States either at retail or otherwise.

CNPE has served a copy of the filing on the Securities and Exchange Commission and any affected state commissions.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

9. CMS Distributed Power L.L.C.

[Docket No. EG01–305–000]

Take notice that on September 4, 2001, CMS Distributed Power L.L.C., 330 Town Center Drive, Suite 1000, Dearborn, Michigan 48126, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

CMS Distributed Power L.L.C. is a Michigan limited liability company and a is wholly-owned direct subsidiaries of CMS Enterprises Company. CMS Enterprises Company is a wholly-owned direct subsidiary of CMS Energy Corporation. CMS Distributed Power L.L.C. owns a diesel powered electrical generating facility in Zilwaukee, Michigan of approximately 14 megawatts.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

10. Arcata Energíca S.A.

[Docket No. EG01–306–000]

Take notice that on September 7, 2001, Arcata Energíca S.A. (Arcata), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Arcata is a sociedad anónima formed under the laws of Peru and will be engaged, directly and/or indirectly through its affiliates, and exclusively in the business of owning and/or operating all or part of one or more eligible facilities, and selling electric energy at wholesale. Arcata currently owns two generation facilities located in southern Peru (the Facilities). The Facilities will be eligible facilities pursuant to Section 32(a)(2) of PUHCA. None of the electric energy produced by the Facilities will be sold into the United States either at retail or otherwise.

Arcata has served a copy of the filing on the Securities and Exchange Commission and any affected state commissions.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

11. Empresa de Generación Eléctrica Cahua S.A.

[Docket No. EG01–307–000]

Take notice that on September 7, 2001, Empresa de Generación Eléctrica Cahua S.A. (Cahua), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Cahua is a sociedad anónima formed under the laws of Peru and will be engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities, and selling electric energy at wholesale. Cahua currently owns and operates two hydroelectric facilities (the Facilities) located in central Peru. The Facilities will be eligible facilities pursuant to Section 32(a)(2) of PUHCA. In addition, Cahua operates four eligible facilities in southern and northern Peru, acting as an agent for the owners, which are exempt wholesale generators that sell electric energy at wholesale. None of the electric energy produced by the Facilities will be sold into the United States either at retail or otherwise.

Cahua has served a copy of the filing on the Securities and Exchange Commission and any affected state commissions.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

12. Midwest Independent Transmission System Operator, Inc.

[Docket Nos. ER01–123–004, ER01–780–003, ER01–966–002, ER99–3144–014, EC99–80–014, and RT01–87–002]

Take notice that on August 31, 2001, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and the Midwest ISO Transmission Owners jointly submitted for filing revisions to the MISO Open Access Transmission Tariff (OATT) to implement proposed rates based on the methodology set forth in Article V of the ''Settlement Agreement Involving the Midwest Independent Transmission System Operator, Inc., Certain Transmission Owners in the Midwest ISO, the Alliance Companies and Other Parties'' (Settlement Agreement). The Midwest ISO and the Midwest ISO Transmission Owners propose that the filing become effective on the date transmission service begins under the Midwest ISO OATT (the Transmission Service Date).

Copies of this filing were served upon all parties to the Settlement Agreement proceeding and a copy is being posted on the Midwest ISO homepage (www.midwestiso.org).

Comment date: September 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. CinCap IX, LLC.

[Docket No. ER01–2054–002]

Take notice that on September 4, 2001, CinCap IX, LLC tendered a compliance filing with the Federal Energy Regulatory Commission (Commission), for its application for authorization to sell power and ancillary services at market-based rates, and to reassign transmission capacity.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Louisiana Generating LLC

[Docket No. ER01–2247–001]

Take notice that on September 4, 2001, Louisiana Generating LLC (Louisiana Generating), tendered for filing with the Federal Energy Regulatory Commission (Commission), corrections to the proposed change to its Rate Schedule FERC No. 4, Original Vol. 1, originally filed on June 7, 2001. The proposed change reflects the assignment by the customer under the Rate Schedule of a portion of its power purchase rights to another party. Louisiana Generating asserts that the affected customers requested the change and consent to it. Copies of the filing were served upon Louisiana Generating's affected customers.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Huntington Beach Development, L.L.C.

[Docket No. ER01–2390–001]

Take notice that on September 4, 2001, Huntington Beach Development, L.L.C. (Huntington Beach) tendered for filing an amended market-based rate schedule pursuant to the Federal Energy Regulatory Commission's Order Conditionally Accepting Market-Based Rate Tariff, issued August 17, 2001.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Boralex Ashland Inc., Boralex Livermore Falls Inc.

[Docket Nos. ER01–2568–001 and ER01–2569–001]

Take notice that on September 4, 2001, Boralex Ashland Inc. and Boralex

Livermore Falls Inc., tendered for filing with the Federal Energy Regulatory Commission (Commission), conforming tariffs pursuant to a Commission order dated August 22, 2001 in the above reference dockets.

Copies of the filing were served upon the Central Maine Power Corporation, the Maine Public Utilities Commission, and WPS Energy Services, Inc.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. PacifiCorp Power Marketing, Inc.

[Docket No. ER01–2685–000]

Take notice that on August 31, 2001, PaficiCorp Power Marketing, Inc. (PPM) filed a Notice of Withdrawal of its Ten-Year Power Purchase Agreement between PPM and the California Department of Water Resources in the above-referenced docket number, filed with the Federal Energy Regulatory Commission on July 26, 2001.

Comment date: September 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. International Transmission Company, DTE Energy Company

[Docket Nos. ER01–3000–000, RT01–101–000 and EC01–146–000]

Take notice that on August 31, 2001, pursuant to Section 205 of the Federal Power Act, 16 U.S.C. 824d (1994), International Transmission Company (International Transmission) tendered for filing with the Commission the ''Appendix I Agreement by and between International Transmission Company and the Midwest Independent Transmission System Operator, Inc. dated August 30, 2001'' (ITC-MISO Agreement). International Transmission also requests that the Commission determine that International Transmission has met the requirements of Order No. 2000 set forth in 18 CFR 35.34(c)(1) and 35.34(d)(2), to participate in a Regional Transmission Organization by joining the Midwest Independent System Operator, Inc.

Additionally, International Transmission and its corporate parent, DTE Energy Company (DTE Energy) request authority to transfer functional control of International Transmission's jurisdictional transmission facilities to the Midwest ISO under Section 203, 16 U.S.C. 824b (1994). International Transmission and DTE Energy Company also request waiver of Part 33 of the Commission's regulations (18 CFR Part 33).

Comment date: September 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Niagara Mohawk Power Corporation

[Docket No. ER01–2839–001]

Take notice that on September 4, 2001, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission (Commission), pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations, Commission acceptance errata cover page for the purpose of correcting the service agreement designation for the Power Purchase and Sale Agreement between NMPC and Tractebel Energy Marketing, Inc. to include its designation as NMPC, FERC Electric Rate Schedule No. 325.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. New York Independent System Operator, Inc.

[Docket No. ER01–3001–000]

Take notice that on September 4, 2001, the New York Independent System Operator, Inc. (NYISO) filed with the Federal Energy Regulatory Commission (Commission), revisions to amend Attachment F of the NYISO Market Administration and Control Area Services Tariff to extend the duration of its currently effective $1,000/MWh Bid Caps on certain NYISO-administered markets; and amend Attachment Q to the NYISO's Open Access Transmission Tariff and Attachment E of the ISO Services Tariff to extend its Temporary Extraordinary Procedures for Correcting Market Design Flaws and Addressing Transitional Abnormalities.

The NYISO has requested an effective date of November 1, 2001 for the filing and requests a waiver of the Commission's notice requirements.

Copies of this filing have been served on market participants that have executed service agreements under the NYISO OATT or the NYISO Services Tariff and on the electric utility regulatory agencies in New York, New Jersey, and Pennsylvania.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Sierra Pacific Power Company, Nevada Power Company

[Docket No. ER01–3002–000]

Take notice that on September 4, 2001, Sierra Pacific Power Company and Nevada Power Company (jointly Operating Companies) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Service Agreement (Service Agreement) with Pacific Gas & Electric Company for Short-Term Firm Point-to-Point Transmission Service under Sierra Pacific Resources Operating Companies FERC Electric Tariff, First Revised Volume No. 1, Open Access Transmission Tariff (Tariff).

The Operating Companies are filing the executed Service Agreement with the Commission in compliance with Sections 13.4 and 14.4 of the Tariff and applicable Commission regulations. The Operating Companies also submitted revised Sheet Nos. 195A and 196 and Original Sheet No. 196A (Attachment E) to the Tariff, which is an updated list of current subscribers. The Operating Companies request waiver of the Commission's notice requirements to permit an effective date of September 5, 2001 for Attachment E, and to allow the Service Agreement to become effective according to their terms.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California and all interested parties.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Mid-Continent Area Power Pool

[Docket No. ER01–3003–000]

Take notice that on September 4, 2001, the Mid-Continent Area Power Pool, on behalf of its public utility members, filed with the Federal Energy Regulatory Commission (Commission), a short-term firm and non-firm transmission service agreements with MAPP members under MAPP Schedule F.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Tucson Electric Power Company

[Docket No. ER01–3005–000]

Take notice that on September 4, 2001, Tucson Electric Power Company tendered for filing with the Federal Energy Regulatory Commission (Commission), a Service Agreement (for firm service) pursuant to Part II of Tucson's Open Access Transmission Tariff, which was filed in Docket No. ER01–208–000.

Service Agreement for Firm Point-to Point Transmission Service dated as of August 9, 2001 by and between Tucson Electric Power Company and Tri-State Generation and Transmission Association, Inc.—FERC Electric Tariff Vol. No. 2, Service Agreement No. 184. No service has commenced at this time.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Duquesne Light Company

[Docket No. ER01–3007–000]

Take notice that on September 4, 2001, Duquesne Light Company (DLC) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Service Agreement dated July 20, 2001 with BV Partners under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds BV Partners as a customer under the Tariff.

DLC requests an effective date of July 20, 2001 for the Service Agreement.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. New York Independent System Operator, Inc.

[Docket No. ER01–3009–000]

Take notice that on September 4, 2001, the New York Independent System Operator, Inc. (NYISO), tendered for filing with the Federal Energy Regulatory Commission (Commission), acting pursuant to Section 205 of the Federal Power Act with concurrence of the NYISO's independent Board of Directors (NYISO Board) and the Management Committee, filed proposed revisions to the NYISO's Open Access Transmission Tariff (OATT) and Market Administration and Control Area Services Tariff (Services Tariff). The proposed filing would implement virtual bidding procedures.

The NYISO has requested that the Commission make the filing effective on October 30, 2001.

A copy of this filing was served upon all parties in Docket No. EL00–90–000.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Kentucky Utilities Company

[Docket No. ER01–3010–000]

Take notice that on September 4, 2001, Kentucky Utilities Company (KU) submitted for filing, pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations, a service agreement between KU and the City of Nicholasville, Kentucky for the addition of a new metering point, Substation No. 7, for wholesale power service.

A copy of this filing has been served upon the City of Nicholasville, Kentucky, the Kentucky Public Service Commission, and the Virginia State Corporation Commission.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Mid-Continent Area Power Pool

[Docket No. ER01–3011–000]

Take notice that on September 4, 2001, the Mid-Continent Area Power Pool (MAPP), on behalf of its public utility members, filed transmission service agreements (TSAs) under MAPP Schedule F that include short-term firm and non-firm TSAs with non-MAPP members as well as TSAs for long-term firm transmission service.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Michigan Electric Transmission Company

[Docket No. ER01–3012–000]

Take notice that on August 31, 2001, Michigan Electric Transmission Company (Michigan Transco) tendered for filing a Distribution-Transmission Interconnection Agreement with Consumers Energy Company (Consumers), with a proposed effective date of April 1, 2001.

The filing was served upon the Consumers and the Michigan Public Service Commission.

Comment date: September 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. California Independent System Operator Corporation

[Docket No. ER01–3013–000]

Take notice that on September 5, 2001, the California Independent System Operator Corporation, (ISO), tendered for filing with the Federal Energy Regulatory Commission (Commission), Amendment No. 40 to the ISO Tariff. The ISO states that Amendment No. 40 would implement a temporary modification to the ISO's settlement practices necessitated by the crisis in the California wholesale energy markets.

The ISO states that this filing has been served on the California Public Utilities Commission, the California Electricity Oversight Board and all California ISO Scheduling Coordinators.

Comment date: September 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

30. PJM Interconnection, L.L.C.

[Docket No. ER01–3014–000]

Take notice that on September 5, 2001, PJM Interconnection, L.L.C. (PJM), submitted for filing two executed interconnection service agreements between PJM and Exelon Corporation and Old Dominion Electric Cooperative.

PJM requests a waiver of the Commission's 60-day notice requirement to permit the effective dates agreed to by the parties.

Copies of this filing were served upon each of the parties to the agreements and the state regulatory commissions within the PJM control area.

Comment date: September 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

31. American Transmission Company LLC

[Docket No. ER01–3015–000]

Take notice that on September 5, 2001, American Transmission Company LLC (ATCLLC) tendered for filing Firm and Non-Firm Point-to-Point Service Agreements for Rainbow Energy Marketing Corporation and The Energy Authority, Inc.

ATCLLC requests an effective date of August 14, 2001.

Comment date: September 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

32. Alliant Energy Corporate Services, Inc.

[Docket No. ER01–3016–000]

Take notice that on September 5, 2001, Alliant Energy Corporate Services, Inc. tendered for filing executed generator Interconnection Agreement with Northern Iowa Windpower, LLC and Interstate Power Company.

Alliant Energy Corporate Services, Inc. requests an effective date of September 7, 2001.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: September 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

33. Coral Canada US Inc.

[Docket No. ER01–3017–000]

Take notice that on September 5, 2001, Coral Canada US Inc. (Seller) petitioned the Commission for an order: (1) Accepting Seller's proposed FERC rate schedule for market-based rates; (2) granting waiver of certain requirements under Subparts B and C of Part 35 of the regulations, and (3) granting the blanket approvals normally accorded sellers permitted to sell at market-based rates.

Comment date: September 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

34. Steam Heat LLC

[Docket No. EG01–302–000]

Take notice that on August 31, 2001, Steam Heat LLC (Steam Heat) filed with

the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator (EWG) status pursuant to part 365 of the Commission's regulations.

Steam Heat is a Delaware limited liability company. Steam Heat received determinations of EWG status in Docket EG99–121–000 by letter order dated May 7, 1999, Steam Heat LLC, 87 F.E.R.C. ¶ 62,156 (1999), in Docket EG00–17–000 by letter order dated December 14, 1999, Steam Heat LLC, 89 F.E.R.C. ¶ 62,203 (1999), and in Docket EG01–71–000 by letter order dated January 23, 2001, Steam Heat LLC, 94 F.E.R.C. ¶ 62,057 (2001) with respect to its beneficial ownership of nineteen (19) geothermal power generation facilities located in Lake County and Sonoma County, California. Steam Heat is also the indirect beneficial owner of two additional electric generating facilities that are ''eligible facilities'' within the meaning of Section 32(a)(2) of the Public Utility Holding Company Act of 1935, as amended by Section 711 of the Energy Policy Act of 1992. The Commission has determined that the first facility, Morgantown OL2 LLC, is an EWG. Morgantown OL2 LLC, 94 F.E.R.C. ¶ 62,049 (2001). The Commission did not issue an order on the application for EWG determination for the second facility, Dickerson OL1 LLC within 60 days of the date that the application was filed. Accordingly, the application is deemed granted. 18 CFR 365.6. The instant application reflects that Steam Heat will be acquiring a beneficial ownership interest in one (1) additional geothermal generating facility, the Aidlin Geothermal Project, having a net generating capacity of approximately twenty (20) megawatts, located in Sonoma County, California.

Steam Heat further states that copies of the application were served upon the Securities and Exchange Commission, the Maryland Public Service Commission, the District of Columbia Public Service Commission, and the California Public Utilities Commission.

Comment date: October 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

35. Avista Corporation

[Docket No. ER01–3008–000]

Notice is hereby given that Rate Schedule FERC No. 238, previously filed with the Federal Energy Regulatory Commission (Commission), Avista Corporation, formerly known as The Washington Water Power Company, under the Commission's Docket No. ER96–2608–000, with Snohomish County Public Utility District is to be terminated, effective 0000 hours on October 1, 2001 pursuant to the terms of the Agreement dated September 27, 1995 as agreed to by both parties in letters dated September 1, 2000.

Notice of the cancellation has been served upon the following Snohomish County Public Utility District.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

36. Central Illinois Light Company

[Docket No. ER01–3004–000]

Take notice that on September 4, 2001, Central Illinois Light Company (CILCO), tendered for filing with the Federal Energy Regulatory Commission (Commission), a substitute Index of Point-To-Point Transmission Service Customers under its Open Access Transmission Tariff and four service agreements for two new customers, Calpine Energy Services, L.P. and Exelon Generation Company, LLC.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

CILCO requested an effective date of August 8, 2001 for the service agreements.

Comment date: September 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–23284 Filed 9–18–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00743; FRL–6804–2]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: There will be a 3-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review a set of issues being considered by the Agency pertaining to the following topic: Preliminary Evaluation of the Non-dietary Hazard and Exposure to Children from Contact with Chromated Copper Arsenate (CCA)-treated Wood Playground Structures and Associated CCA-contaminated Soil. The meeting is open to the public. Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting so that appropriate arrangements can be made.

DATES: The meeting will be held on October 23, 24, and 25, 2001, from 8:30 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. The telephone number for the Sheraton Hotel is (703) 486–1111. Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your request must identify docket control number OPP–00743 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Olga Odiott, Designated Federal Official, Office of Science Coordination and Policy (7101C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5369; fax number:

(703) 605–0656; e-mail address: odiott.olga@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), FIFRA, and FQPA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

A meeting agenda and copies of EPA primary background documents for the meeting will be available by September 28, 2001. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA/SAP Internet Home Page at http://www.epa.gov/scipoly/sap/. To access this document on the Home Page under ''Upcoming Meetings,'' look for meeting dates and select ''**Federal Register** Notice announcing this meeting.''

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00743. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the evaluation of the non-dietary hazard and exposures to children from contact with CCA-treated wood playground structures and CCA-contaminated soil beneath and around these structures, including any information claimed as Confidential Business Information (CBI). This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00743 in the subject line on the first page of your request.

Members of the public wishing to submit comments should contact the person listed under **FOR FURTHER INFORMATION CONTACT** to confirm that the meeting date and agenda have not been modified. Interested persons are permitted to file written statements before the meeting. To the extent that time permits, and upon advance written request to the person listed under **FOR FURTHER INFORMATION CONTACT**, interested persons may be permitted by the Chair of the FIFRA SAP to present oral statements at the meeting. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, and chalkboard). There is no limit on the extent of written comments for consideration by the SAP, but oral statements before the SAP are limited to approximately 5 minutes. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral or written statements at the meeting should contact the person listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies of their presentation and/or remarks to the SAP. The Agency encourages that written statements be submitted before the meeting to provide SAP members the time necessary to consider and review the comments.

1. *By mail*. You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your request electronically by e-mail to: opp-docket@epa.gov. Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00743. You may also file a request online at many Federal Depository Libraries.

II. Background

A. Purpose of the Meeting

This 3-day meeting concerns several scientific issues undergoing consideration within the EPA Office of Prevention, Pesticides and Toxic Substances (OPPTS), as follows.

As part of the reregistration process for the Heavy Duty Wood Preservatives (HDWPs), the Agency is evaluating the human and environmental risks of CCA-pesticide products. Chromated copper arsenate treated wood dominates the residential consumer market for use in landscape timbers, decks, fences, and fabricated outdoor structures (e.g., gazebos, picnic tables, and playground equipment). Because of specific concerns associated with use of CCA-treated wood in playground structures, the Agency is presently evaluating available exposure and hazards data in order to assess the risks to children from contact with CCA-treated wood and CCA-contaminated soil on playgrounds.

The FIFRA SAP will be evaluating the scientific soundness and OPP's evaluation of the exposure and hazard data available to the Agency for CCA. Specifically, the SAP will be asked to: (1) Review the exposure scenarios and hazard endpoints that the Agency intends to use in its CCA-risk characterization for children; and (2) provide recommendations concerning additional data needed to reduce the uncertainties of this risk characterization.

B. SAP Report

Copies of the SAP's report of their recommendations will be available approximately 45 working days after the meeting, and will be posted on the FIFRA/SAP Internet Home Page at http://www.epa.gov/scipoly/sap/ or may be obtained by contacting the Public Information Records Integrity Branch (PIRIB) at the address and telephone number listed under Unit I.B.

List of Subjects

Environmental protection, Arsenic, Children Exposures, Contaminated soil, Treated wood.

Dated: September 11, 2001.

Vanessa Vu,

Director, Office of Science Coordination and Policy, Office of Pesticide Programs.

[FR Doc. 01–23312 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66293; FRL–6802–4]

Oxythioquinox Products Cancellation Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's cancellation order for the product and use cancellations as requested by Bayer Corporation for all products containing oxythioquinox (Morestan), 6-methyl-1,3-dithiolo (4,5-b) quinoxalin-2-one or chinomethionate, and accepted by EPA, pursuant to section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This order follows up a March 17, 1999 notice of receipt of cancellation request and proposed existing stocks provisions. The Agency did not receive any substantive comments opposing the requested cancellation. Accordingly, EPA is issuing an order granting the cancellation request. Any distribution, sale, or use of the products subject to this cancellation order is only permitted in accordance with the terms of the existing stocks provisions of this cancellation order.

DATES: The cancellations are effective September 19, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Wilhite, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone number: (703) 308–8174; fax number: (703) 308–8586; e-mail address: wilhite.mark@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. You may be potentially affected by this action if you manufacture, sell, distribute, or use oxythioquinox products. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–66293. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Receipt of Requests to Cancel Registrations

A. Background

Oxythioquinox (trade name Morestan) is an insecticide/miticide/fungicide first registered in 1968, to control mites, mite eggs on ornamental plants in green houses, nurseries and landscapes. On October 17, 1996, Bayer requested voluntary cancellation of all food uses but citrus. Bayer also requested cancellation of all but two of the 24(c) registrations (California and Louisiana). Subsequently, on June 4, 1997, the Agency received a request from Bayer to cancel registration of the remaining food-use products: Morestan 25WP (3125–117) and Morestan Solupak 25 WP 9 (3125–302). These cancellations were announced in the **Federal Register** of August 27, 1997 (62 FR 45416) (FRL–5737–4), and became final March 9, 1998. Initiation of the exiting stocks period began when the Agency received the request for cancellations and ran for 18 months. On February 1, 1999, Bayer requested cancellation of its remaining oxythioquinox registrations. In a **Federal Register** notice dated March 17, 1999 (64 FR 13191) (FRL–6067–8), EPA announced its receipt of Bayer's February 1, 1999 cancellation request. The Agency did not receive any substantive comments opposing the requested cancellation and is therefore issuing a cancellation order in today's notice granting the cancellation request. After canceling these product registrations, there will be no remaining registered products containing oxythioquinox.

In its February 1, 1999 cancellation request, Bayer conditioned its request on EPA's permitting sale and distribution of the existing stocks for 18 months, and use for 2 years, after the cancellation becomes effective. In other words, Bayer intended to stop sale and distribution sometime in 2001 and asked that EPA provide adequate time for the end users to exhaust their supplies. However, the cancellation did not take place in 1999, as both EPA and Bayer contemplated. In response to EPA's plan to issue a cancellation order now, Bayer indicated that an existing stocks provision permitting sale and distribution for 18 months is unnecessary, because Bayer has already stopped sale and distribution of these products. However, both EPA and Bayer believe that allowing use until

September 30, 2002, would be necessary to provide adequate notice to end users and to allow them to exhaust their supplies. Accordingly, EPA includes in the cancellation order an existing stocks provision permitting the use of the existing stocks until September 30, 2002. Any distribution, sale, or use of the products subject to this cancellation order is only permitted in accordance with the terms of the existing stocks provisions of this cancellation order.

III. Terminations Pursuant to Voluntary Cancellation Requests

Under section 6(f)(1) of FIFRA, registrants may request at any time that ''a pesticide registration of the registrant be canceled or amended to terminate one or more pesticide uses.'' (7 U.S.C. 136d(f)(1)). Consistent with 6(f)(1) of FIFRA, EPA is issuing the order of cancellation of EPA registrations listed in Table 1 below. Oxythioquinox (Morestan) will no longer appear in any registered products.

TABLE 1.—PRODUCTS REGISTRATION CANCELLATIONS

Product Name	EPA Registration Number
Morestan 4 Ornamental Miticide	3125–381
Morestan 4 Nursery Miticide	3125–437
Morestan 4 Technical	3125–205

IV. Cancellation Order

Pursuant to section 6(f) of FIFRA, EPA hereby approves the requested oxythioquinox product registration cancellations, as identified in Table 1. Any distribution, sale, or use of existing stocks of the products identified in Table 1 in a manner inconsistent with the terms of this Order or the Existing Stock Provisions in Unit V. will be considered a violation of section 12(a)(2)(K) of FIFRA and/or section 12(a)(1)(A) of FIFRA.

V. Existing Stocks Provision

Pursuant to section 6(f) of FIFRA, EPA is granting the voluntary request for the cancellation of the product registrations identified in Table 1. For purposes of the cancellation order, the term ''existing stocks'' will be defined, pursuant to EPA's existing stocks policy of June 26, 1991 (56 FR 29362) (FRL–3846–4), as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the amendment or cancellation. Any distribution, sale, or use of existing stocks after the effective date of the cancellation order that is not consistent with the terms of that order will be considered a violation of section 12(a)(2)(K) and/or 12(a)(1)(A) of FIFRA.

1. *Sale and distribution.* All sale and distribution of the existing stocks shall be unlawful as of the effective date of the cancellation order, except for the purposes of shipping such stocks for export consistent with section 17 of FIFRA or for proper disposal.

2. *Use.* All use of the existing stocks shall be unlawful as of September 30, 2002.

Lists of Subjects

Environmental protection, Pesticides and pests.

Dated: September 7, 2001.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 01–23224 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30514; FRL–6794–5]

Pesticide Product; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30514, must be received on or before October 19, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30514 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: The Regulatory Action Leader listed in the table below:

Regulatory Action Leader	Telephone number/e-mail address	Mailing address	File symbol
Driss Benmhend	(703) 308–9525; benmhend.driss@epa.gov	Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., Washington, DC 20460	34704–IUE and 34704–IUG
Alan Reynolds	(703) 605–0515; reynolds.alan@epa.gov	Do.	73049-AI

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112	Crop production Animal production
	311 32532	Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2.*In person*. The Agency has established an official record for this action under docket control number OPP–30514. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30514 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30514. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the registration activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients Not Included in Any Previously Registered Products

1. File Symbol: 34704–IUE. Applicant: Platte Chemical Company, 419 18th Street, Greely, CO 80632. Product name: Amplify® Sprout Inhibitor Technical. Product type: Plant growth regulator. Active ingredient: 2,6-Diisopropylnaphthalene (2,6-DIPN) at 99.7%. Proposed classification/Use: Manufacturing or formulating registered pesticide products.

2. File Symbol: 34704–IUG. Applicant: Platte Chemical Company. Product name: Amplify® Sprout Inhibitor. Product type: Plant growth regulator. Active ingredient: 2,6-DIPN at 99.7%. Proposed classification/Use: To inhibit sprouting on stored potatoes.

3. File Symbol: 73049–AI. Applicant: Valent BioSciences Corp., 870 Technology Way, Libertyville, IL 60048. Product name: Florbac Slurry Biological Insecticide. Product type: Insecticide. Active ingredient: *Bacillus thuringiensis* subsp. *aizawai* strain NB200 at 18%. Proposed classification/Use:

Manufacturing use product for formulation into insecticidal products.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: September 4, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

FR Doc. 01–23225 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30513; FRL–6791–1]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30513, must be received on or before October 19, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30513 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: The Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), listed in the table below:

Regulatory Action Leader	Telephone number/e-mail address	Mailing address	File symbol
Shanaz Bacchus	(703) 308–8097; bacchus.shanaz@epa.gov	Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., Washington, DC 20460	70464–U
Carol Frazer	(703) 308–8810; frazer.carol@epa.gov	Do.	70515–E and 70515–R

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30513. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30513 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental

Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30513. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the registration activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

1. File symbol: 70464–U. Applicant: SafeScience, Inc., 31 St. James Avenue, 8th Floor, Boston, MA 02116 represented by Dr. Bruce Jaeger, Health and Environment International, Ltd., 2851 South Haven Road, Annapolis, MD 21401. Product name: Healthy Indoors™ Brand, Ant and Cockroach Bait Stations. Product type: Insecticide. Active ingredient: *Beauveria bassiana* strain 447 at 10%. Proposed classification/Use: Used in a bait station for indoor microbiological control of fireants and cockroach. The active ingredient is a naturally occurring entomopathogenic fungus, which was isolated in Florida. The registrant claims that the pesticide is to be packaged in childproof bait traps. The fungus controls target insect pests, by growing on the chitinous exoskeleton and secreting enzymes into the insects, which are ultimately killed. This is the first proposed indoor use of *Beauveria bassiana*.

2. File symbol: 70515–E. Applicant: J P BioRegulators, Inc., now known as Nutra-Park Inc., Suite 125, 3230 Deming Way, Middleton, WI 53562. Product name: LPE E94T. Product type: Growth regulator. Active ingredient: Lysophosphatidylethanolamine (LPE) at 94%. Proposed classification/Use: Manufacturing use only product for incorporation into end-use products intended for application to agricultural commodities and ornamentals.

3. File symbol: 70515–R. Applicant: J P BioRegulators, Inc., now known as Nutra-Park Inc., Suite 125, 3230 Deming Way, Middleton, WI 53562. Product name: LPE-94 20% Aqueous. Product type: Growth regulator. Active ingredient: Lysophosphatidylethanolamine (LPE) at 20%. Proposed classification/use: Enhances fruit ripening and shelf life of fruits, flowers and vegetables, an end-use product from the above manufacturing use product.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: September 4, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–23090 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7057–9]

Trichloroethylene Health Risk Assessment

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability and Public Comment Period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the availability of a report titled, ''Trichloroethylene Health Risk Assessment: Synthesis and Characterization,'' External Review Draft, (EPA/600/P–01/002A). The draft assessment was prepared by EPA's National Center for Environmental Assessment (NCEA), a part of the Office of Research and Development. This report is a draft for review purposes only and does not constitute Agency policy.

EPA is also announcing a 60-day public comment period on the draft assessment.

EPA's Science Advisory Board (SAB) will convene an external peer-review panel to review the draft assessment in the Fall. The SAB will publish a subsequent **Federal Register** notice to announce the time and place of the peer-review meeting, including information on how the public can participate. After the peer-review meeting, NCEA will address the panel's comments and the public's comments and issue a final assessment. At that time, a summary of the final assessment will be included on EPA's Integrated Risk Information System (IRIS).

DATES: Comments should be in writing and must be postmarked by November 19, 2001.

ADDRESSES: The draft assessment will be available on the Internet at http://www.epa.gov/ncea. A limited number of paper copies are available from NCEA's Technical Information Staff, telephone: 202–564–3261; facsimile:

202–565–0050. If you request a paper copy, please provide your name, mailing address, and the report title, Trichloroethylene Health Risk Assessment.

Comments may be mailed to NCEA's Technical Information Staff at the mailroom address: Technical Information Staff (8623–D), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Comments may also be delivered to the NCEA's Technical Information Staff at the office address: 808 17th Street NW., 5th Floor, Washington, DC 20006; telephone: 202–564–3261; facsimile: 202–565–0050. Electronic comments may be e-mailed to: nceadc.comment@epa.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Jim Cogliano, National Center for Environmental Assessment, telephone: 202–564–3288; facsimile: 202–565–0079; e-mail: cogliano.jim@epa.gov.

SUPPLEMENTARY INFORMATION: This assessment presents EPA's most current evaluation of the potential health risks from exposure to trichloroethylene (TCE). TCE exposure is associated with several adverse health effects, including neurotoxicity, immunotoxicity, developmental toxicity, liver toxicity, kidney toxicity, endocrine effects, and several forms of cancer. Mechanistic research indicates that TCE-induced carcinogenesis is complex, involving multiple carcinogenic metabolites acting through multiple modes of action. Under EPA's proposed (1996, 1999) cancer guidelines, TCE can be characterized as ''highly likely to produce cancer in humans.''

For effects other than cancer, an oral reference dose (RfD) of 3×10^{-4} mg/kg-d was based on critical effects in the liver, kidney, and developing fetus. An inhalation reference concentration (RfC) of 4×10^{-2} mg/m^3 was based on critical effects in the central nervous system, liver, and endocrine system. Several cancer slope factors were developed, with most between 2×10^{-2} and 4×10^{-1} per mg/kg-d. Several sources of uncertainty have been identified and quantified.

The mechanistic information suggests some risk factors that may make some populations more sensitive. There are suggestions that TCE could affect children and adults differently. In addition, several chemicals have the potential to alter TCE's metabolism and clearance and subsequent toxicity, conversely, TCE exposure can augment the toxicity of other chemicals. Widespread environmental exposure to some of TCE's metabolites makes it important to consider the cumulative effect of TCE along with other environmental contaminants.

Dated: August 31, 2001.

Art Payne,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–23310 Filed 9–18–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

September 11, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0848.

Expiration Date: 02/28/2002.

Title: Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket 98–147.

Form No.: N/A .

Respondents: Business or other for-profit.

Estimated Annual Burden: 1750 respondents; 94.62 hour per response (avg.); 165,600 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure.

Description: In Deployment of Wireline Services Offering Advanced Telecommunications Capability, Fourth Report and Order, CC Docket No. 98–147, FCC 01–204 (Order), the Commission takes steps to amend certain portions of the its collocation rules on remand from the United States Court of Appeals for the District of Columbia Circuit. The Order requires that an incumbent local exchange carrier provision cross-connects between collocating carriers upon reasonable request. The Order also requires that an incumbent LEC provide requesting carriers with an opportunity to request collocation space that meets their operational needs. In an effort to implement these requirements, the Commission adopted new and modified collections of information to promote the public interests in competition and innovation while protecting the incumbent LECs' property interests. (a) *Certification of Interstate Traffic:* In the Order, the Commission requires that an incumbent LEC provision cross-connects between collocated carriers upon reasonable request. A collocated carrier may request such provisioning pursuant to either section 201 or 251 of the Communications Act. An incumbent LEC, however, is not required to provide a connection between the equipment in the collocated spaces of two or more telecommunications if the connection is requested pursuant to section 201 of the Act, unless the requesting carrier submits to the incumbent LEC a certification that more than 10 percent of the amount of traffic to be transmitted through the connection will be interstate. The certification requirement recognizes that the Commission's jurisdiction under section 201 is subject to certain limits. (*No. of respondents:* 350; *hours per response:* 4 hours; *total annual burden:* 1400 hours). (b) *Report of Available Collocation Space:* The Commission previously had required that an incumbent LEC must submit to a requesting carrier within ten days of the submission of a request a report indicating the available collocation space in a particular incumbent LEC premises. In the Order, the Commission requires that this report describe in detail the space that is available for collocation in the particular premises. This description requirement should enable a carrier requesting collocation to request the space that best fits its operational needs. (*No. of respondents:* 1400; *hours per response:* 2 hours; *total annual burden:* 2800 hours). All other requirements under this control number remain in effect as approved. (*Total annual burden for all collections:* 165,600 hours). All of the collections are used to ensure that incumbent LECs and collocation carriers provide for collocation and obtain cross-connects in a manner consistent with sections 201 and 251 of the Communications Act of 1934, as amended. Obligation to respond: Mandatory.

OMB Control No.: 3060–0166.

Expiration Date: 08/31/2004.

Title: Part 42—Preservation of Records of Communications Common Carriers.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 52 respondents; 2 hours per response

(avg.); 104 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure; Recordkeeping.

Description: Section 220 of the Communications Act of 1934, as amended, 47 USC Section 220, makes it unlawful for carriers to willfully destroy information retained for the Commission. Part 42 of the Commission's rules prescribes guidelines to ensure that carriers maintain the necessary records needed by the FCC for its regulatory obligations. Section 42.4 requires carriers to maintain at its operating company headquarters a master index of records which identifies the records retained, the related retention period, and the locations where the records are maintained. Carriers must explain, by adding a certified statement to the index, the premature loss or destruction of records pursuant to Section 42.4. Records maintained in a machine readable medium must be accompanied by a statement indicating the type of data included in the record and certifying that the information contained in it has been accurately duplicated pursuant to Section 42.5(b). Section 42.6 requires the retention of telephone toll records for 18 months providing the following billing information about telephone toll calls: The name, address, and telephone number of the caller, telephone number called, date, time and length of the call. Pursuant to Section 42.7 carriers are allowed to establish their own retention periods, except for in the case of telephone toll records and records relevant to complaint proceedings. Moreover, this section specifies requirements for complaint proceedings, and proceedings or inquiries directed by the FCC. (*No. of respondents:* 52; *hours per response:* 2 hours; *total annual burden:* 104 hours). Documentation of premature destruction is necessary so the Commission can be aware of the frequency and consequence of such destruction. If carriers were allowed to destroy records at will, the Commission could lose its historical base of information thus making it impossible to properly regulate the industry. A specific retention period for telephone toll records is imposed to assist Department of Justice in law enforcement. *Obligation to respond:* Mandatory.

OMB Control No.: 3060–0736.

Expiration Date: 08/31/2004.

Title: Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96–149.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 4 respondents; 36 hours per response (avg.); 144 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Monthly; Third Party Disclosure.

Description: Section 272 of the Communications Act of 1934, as amended, requires that Bell Operating Companies (BOCs) make information available to third parties if it makes that information available to its section 272(a) affiliates. BOCs are required to provide, among other things, unaffiliated entities all listing information, including unlisted and unpublished numbers as well as the numbers of other LECs' customers, that the BOC uses to provide E911 services. BOCs are required to treat their E911 service as nonregulated activities for federal accounting purposes to the extent they involve storage and retrieval functions included within the statutory definition of information service. The BOCs shall record any charges they impute for their E911 services in their revenue accounts. The requirements will be used to ensure that BOCs comply with the nondiscrimination requirements under the Communications Act of 1934, as amended.

Obligation to Respond: Mandatory.

OMB Control No.: 3060–0856.

Expiration Date: 02/28/2002.

Title: Universal Service—Schools and Libraries Universal Service Program Reimbursement Forms.

Form No.: FCC Forms 472, 473, and 474.

Respondents: Not-for-profit institutions; Business or other for-profit.

Estimated Annual Burden: 61,800 respondents; 1.42 hours per response (avg.); 88,050 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Annually; Third Party Disclosure.

Description: The Telecommunications Act of 1996 contemplates that discounts on eligible services shall be provided to schools and libraries, and that service providers shall seek reimbursement for the amount of the discounts. FCC Forms 473 and 474 facilitate the reimbursement process. FCC Form 472 allows providers to confirm that they are actually providing the discounted services to eligible entities. Minor revisions were made to FCC Form 474. The current edition of the FCC Form 474 is May 2001. (*No. of respondents:* 2500; *hours per response:* 1.5 hours; *total annual burden:* 3750 hours). Copies of FCC Form 474 and other universal service forms are available via the Internet at www.universalservice.org.

Obligation to Respond: Required to obtain or retain benefits.

Public reporting burden for the collections of information are as noted above. Send comments regarding the burden estimates or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–23266 Filed 9–18–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–45; DA 01–2107]

The Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Notice; comments requested.

SUMMARY: December 8, 2000, the Common Carrier Bureau (Bureau) released a document updating line count input data used in the high-cost universal service model for determining support amounts for 2001. Consistent with the Bureau and Commission precedent, in this document, the Bureau invites comment on updating line counts and other limited information used in the model for calculating high-cost universal service support for non-rural carriers for 2002.

DATES: Comments are due on or before October 4, 2001. Reply comments are due on or before October 10, 2001.

ADDRESSES: See Supplementary Information section for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: Katie King or Thomas Buckley, Attorneys, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: On October 21, 1999, the Commission

adopted two orders completing implementation plans for a new high-cost universal service support mechanism for non-rural carriers. The mechanism provides support based on the forward-looking economic cost of providing services eligible for support, as determined by the Commission's universal service cost model. The Commission also emphasized the importance of updating the inputs used in the cost model as technology and other conditions change. On December 8, 2000, the Bureau released an order updating line count input data used in the model for determining support amounts for 2001. Consistent with the Bureau and Commission precedent, the Bureau seeks comment in this Public Notice on how line count and other discrete input values should be updated for purposes of determining support for 2002.

Line Counts. Line counts are used for two general purposes in the high-cost support mechanism for non-rural carriers. First, line counts are used in the Commission's cost model to estimate the forward-looking costs of providing supported services for businesses and households in a geographic area. Second, line counts are used to calculate support based on those costs and target that support to high-cost areas. In the *Line Counts Update Order*, 65 FR 81759, December 27, 2000, the Bureau updated line counts by using year-end 1999 line counts filed July 31, 2000, as input values for estimating average forward-looking costs for the year 2001. Support amounts for 2001 were also adjusted every quarter using wire center line count data reported by the carriers on a quarterly basis.

In order to estimate the cost of providing service for all businesses and households within a geographic area, line counts also need to be allocated to specific classes of service in the cost model. In the *Line Count Data Request*, DA 99–1406, (not published in the **Federal Register**) the Bureau requested, *inter alia*, that non-rural carriers submit year-end 1998 wire center line count data allocated to the classes of service used in the model. For purposes of calculating forward-looking costs and determining support for 2001, in the *Line Counts Update Order*, 65 FR 81759, December 27, 2000, the Bureau concluded that line counts should be allocated to the classes of service used in the model based on the line count data filed pursuant to the *Line Count Data Request*, DA 99–1406, (not published in the **Federal Register**). Moreover, because line counts reported by non-rural carriers include only switched lines, the Bureau recognized in the *Line Counts Update Order*, 65 FR 81759, December 27, 2000, that it could not divide year-end line counts into the *Line Count Data Request*, DA 99–1406, (not published in the **Federal Register**), to determine the growth rate of special lines. As a result, the Bureau divided the 1999 ARMIS special access lines among wire centers in the same proportion as the special lines from the *Line Count Data Request*, DA 99–1406, (not published in the **Federal Register**), to estimate line count growth.

The Bureau seeks comment on updating line count data in the universal service cost model consistent with the updated framework adopted in the *Line Counts Update Order*, 65 FR 81759, December 27, 2000. The Bureau specifically seeks comment on whether to update line count input values with year-end line counts filed July 31, 2001, in order to estimate average forward-looking costs for 2002. The Bureau also seeks comment on whether to adjust support amounts each quarter using wire center line count data reported by carriers each quarter. In addition, the Bureau seeks comment on whether to apply the methods adopted in the *Line Counts Update Order*, 65 FR 81759, December 27, 2000, for allocating line counts to classes of service in order to calculate support in 2002. In particular, the Bureau seeks comment on whether line counts should be allocated to the classes of service used in the model based on the line count data filed pursuant to the *Line Count Data Request*, DA 99–1406, (not published in the **Federal Register**). Because line counts reported by non-rural carriers include only switched lines, the Bureau also seeks comment on whether to divide the 2000 ARMIS special lines access lines among wire centers in the same proportion as the special lines from the *Line Count Data Request*, DA 99–1406, (not published in the **Federal Register**), to estimate special line count growth. Finally, the Bureau seeks comment on whether to apply the method adopted in the *Line Counts Update Order*, 65 FR 81759, December 27, 2000, for matching line count data to wire centers used in the model for calculating support in 2002.

Other Model Inputs. In addition to line counts, the model uses other types of data that are updated annually under current Commission rules and procedures. Among other things, the model uses company-specific ARMIS data to calculate investment in general support facilities (GSF). GSF investment includes buildings, motor vehicles, and general purpose computers. A portion of GSF investment must be added to the model's estimate of outside plant, switching, and transport investment to adequately reflect the cost of providing the supported services. The Bureau seeks comment on whether it should update the tables in the model with 2000 ARMIS data to estimate GSF investment.

The model also uses company-specific data in determining switching costs. A wire center's switch directs both interstate and intrastate traffic. Universal service support, however, is only provided for the portion of the switch used to direct intrastate traffic. Therefore, to determine the amount of a wire center's switch that is eligible for support, the model needs to determine the percentage of the switch used to direct intrastate service. The model currently uses 1997 and 1998 traffic parameters from ARMIS and the National Exchange Carrier Association (NECA) to determine the percentage of the switch allocated to supported services and the switch port requirement for interoffice transport. The Bureau seeks comment on whether it should update the tables in the model with currently available traffic parameters to determine the percentage of switch allocated to supported services and the switch port requirement for interoffice transport. In particular, the Bureau seeks comment on whether it would be more consistent to use the NECA data as the sole source for traffic parameter data instead of obtaining these data from two sources.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments as follows: comment are due October 4, 2001 and reply comments are due October 10, 2001. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message, ''get form <your e-mail address''. A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. All filings

must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street SW., Room 5–A422, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554.

Pursuant to § 1.1206 of the Commission's Rules, this proceeding will continue to be conducted as a permit-but-disclose proceeding in which *ex-parte* communications are permitted subject to disclosure.

Federal Communications Commission.

Eric N. Einhorn,

Acting Deputy Division Chief, Accounting Policy Division.

[FR Doc. 01–23269 Filed 9–18–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday September 25, 2001 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday September 27, 2001 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Use of the Internet in Federal Elections; Draft Notice of Proposed Rulemaking.
Summary of Comments and Possible Options on the Advance Notice of Proposed Rulemaking on the Definition of ''Political Committee.''
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01–23494 Filed 9–17–01; 3:23 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 12, 2001.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Virginia Financial Corporation, Staunton, Virginia; to merge with Virginia Commonwealth Financial Corporation, Culpeper, Virginia, and thereby indirectly acquire Carolina Savings Bank, Bowling Green, Virginia, Virginia Heartland Bank, Fredericksburg, Virginia, and Second Bank & Trust, Culpeper, Virginia.

In connection with this application Applicant has also applied to acquire Virginia Commonwealth Trust Company, Culpeper, Virginia, and thereby engage in trust company functions, pursuant to § 225.28.(b)(5).

Board of Governors of the Federal Reserve System, September 13, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–23277 Filed 9–18–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Announcement of Cooperative Agreement With the Association of Teachers of Preventive Medicine

AGENCY: Office of Disease Prevention and Health Promotion, Office of Public Health and Science, HHS.

ACTION: Notice of single source cooperative agreement with the Association of Teachers of Preventive Medicine.

Authority: Sections 1701 and 1703 of the Public Health Service Act, as amended.

PURPOSE: The Office of Disease Prevention and Health Promotion announces it is continuing to support a single source Cooperative Agreement with the Association of Teachers of Preventive Medicine (ATPM) for ATPM to complete its management of certain fellowship and residency rotation programs of the Office of Disease Prevention and Health Promotion.

SUMMARY: The Office of Disease Prevention and Health Promotion (ODPHP) announces that it will continue to support a single source Cooperative Agreement with the Association of Teachers of Preventive Medicine (ATPM) so that ATPM may complete its work with a consortium of societies of teachers of primary health care and preventive medicine to select and manage the Luther L. Terry Preventive Medicine Fellowship and related activities, including support for a preventive medicine residency rotation. Approximately $257,000 will be available in FY 2001 funds to support this non-competitive cooperative agreement.

DATES: This award will begin on or before September 30, 2001, for a 9-month budget period with a project period ending June 30, 2002. Funding estimates may change.

ADDRESSES AND CONTACT: Ms. Sally Jones, Administrative Officer, Office of Disease Prevention and Health Promotion, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue, SW., room 738–G, Washington, DC 20201; Telephone (202) 260–7654. An application for this award should be submitted by the ATPM and received by Ms. Jones no later than close of business September 28, 2001.

SUPPLEMENTARY INFORMATION: The Office of Disease Prevention and Health Promotion (ODPHP) uses cooperative agreements with national organizations to support its mandate to provide leadership to promote health and prevent disease among Americans through management and coordination of the implementation of Healthy People 2010, the nation's health objectives for this decade. Through cooperative agreements, ODPHP has forged public-private partnerships to extend the reach and effectiveness of its work. This program addresses especially the Healthy People 2010 Leading Health Indicators. For a copy of Health People 2010, visit the Internet site: *http://health.gov/healthypeople.*

ODPHP intends to provide financial assistance of about $257,000 to the Assistance of Teachers of Preventive Medicine to: (a) Complete the process of managing the 2000–2002 Luther L. Terry Preventive Medicine Fellowship; (b) work with a consortium of societies of teachers and practitioners of primary health care and preventive medicine to complete the process of selecting the 2002–2004 Luther L. Terry Preventive Medicine Fellowship; (c) complete the management of an ODPHP/ATPM fellow in health promotion and disease prevention to facilitate implementation of the Leading Health Indicators; (d) complete support for 2001–2002 preventive medicine residents (and residents in other relevant specialities) to experience residence rotations in a health policy setting as part of their residency program; and (e) prepare a report on the process for recruitment, selection, and management of the Luther Terry fellowship and the preventive medicine residency rotations including suggestions for improvements and enhancements. These programs provide a link between ODPHP and the primary care and preventive medicine education community in the furtherance of Healthy People 2010 implementation.

Eligible Applicants

Assistance will be provided only to the Association of Teachers of Preventive Medicine (ATPM). No other applications are solicited for this activity. ATPM is the most appropriate and qualified organization to conduct the activities under this cooperative agreement because:

1. The work involved is solely to complete activities already initiated through the current cooperative agreement. Transferring responsibility for the remaining tasks to a new organization at this point in time would be disruptive and unproductive.

2. ATPM has a documented ability to build and maintain effective fellowship and residency programs in collaboration with federal health agencies and more specialized medical societies. It has developed and maintains fellows and residency programs for the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Health care Financing Administration. The current Luther. L. Terry Preventive Medicine Fellowship, begun in 1985 with ATPM management, continues to function effectively and with guidance from a consortium of specialized societies, including the Society of Teachers of Family Medicine, the Society of General Internal Medicine, and the Ambulatory Pediatric Association.

3. ATPM provides the structure and experience for institution programs that strengthen disease prevention and health promotion at all levels. Through its own membership and mission, ATPM has developed unique knowledge and understanding of the clinical preventive services and the Healthy People objectives. One of its major objectives is to advance preventive medicine and public health in the education of physicians and other health professionals. Thus, ATPM members will benefit directly from these post-graduate opportunities in health promotion and disease prevention.

Availability of Funds: Approximately $257,000 will be available to fund one cooperative agreement. It is expected that this award will begin on or about September 30, 2001, and will be made for a 9-month budget period with a project period ending June 30, 2002. Funding estimates may change.

Use of Funds: Funds cannot be used for construction or renovation, to purchase or lease vehicles or vans, to purchase a facility to house project staff or carry out project activities, or to substitute new activities and expenditures for current ones.

Other Award Information

The Catalog of Federal Domestic Assistance number is 93.990. This program is not subject to the Intergovernmental Review of Federal Programs as governed by Executive Order 12372. This program is not subject to the Public Health System Reporting Requirement. ODPHP strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children's Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to the children.

Dated: September 12, 2001.

Mary Jo Deering,

Acting Deputy Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 01–23279 Filed 9–18–01; 8:45 am]

BILLING CODE 4150–32–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–3075–N]

Medicare Program; Meeting of the Executive Committee of the Medicare Coverage Advisory Committee—October 17, 2001

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Executive Committee of the Medicare Coverage Advisory Committee (the Committee). The Committee will act on the recommendation of the Diagnostic Imaging panel regarding FDG Positron Emission Tomography (PET) imaging for breast cancer diagnosis and staging, and the recommendation of the Drugs, Biologics and Therapeutics panel regarding use of levocarntine in End Stage Renal Disease (ESRD) patients. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)).

DATES: *The Meeting:* October 17, 2001 from 8 a.m. until 4:30 p.m., E.D.T.

Deadline for Presentations and Comments: October 3, 2001, 5 p.m., E.D.T.

Special Accommodations: Persons attending the meeting who are hearing or visually impaired, and have a condition that requires special assistance or accommodations, are asked to notify the Executive Secretary by September 26, 2001 (see **FOR FURTHER INFORMATION CONTACT**).

ADDRESSES: *The Meeting:* The meeting will be held at the Centers for Medicare & Medicaid Services (CMS) headquarters, Multipurpose Room, 7500 Security Blvd, Baltimore, MD 21244.

Presentations and Comments: Submit formal presentations and written comments to Janet A. Anderson, Executive Secretary; Office of Clinical Standards and Quality; Centers for Medicare & Medicaid Services; 7500 Security Boulevard; Mail Stop C1–09–06; Baltimore, MD 21244.

Web site: You may access up-to-date information on this meeting at *www.hcfa.gov/coverage.*

Hotline: You may access up-to-date information on this meeting on the CMS Medicare Advisory Committee Information Hotline, 1–877–449–5659 (toll free) or in the Baltimore area (410) 786–9379.

FOR FURTHER INFORMATION CONTACT: Janet A. Anderson, Executive Secretary, (410) 786–2700.

SUPPLEMENTARY INFORMATION: On August 13, 1999, we published a notice in the **Federal Register** (64 FR 44231) to describe the Medicare Coverage Advisory Committee (Committee), which provides advice and recommendations to us about clinical issues. This notice announces the following public meeting of the Committee.

Current Panel Members

Harold C. Sox, MD; Robert H. Brook, MD, ScD; Daisy Alford-Smith, PhD; Wade Aubry, MD; Linda Bergthold, PhD; Ronald M. Davis, MD; John H. Ferguson, MD; Leslie P. Francis, JD, PhD; Alan M. Garber, MD, PhD; Thomas V. Holohan, MA, MD, FACP; Joe W. Johnson, DC; Michael D. Maves, MD, MBA; Barbara McNeil, MD, PhD; Robert L. Murray, PhD; Frank Papatheofanis, MD, PhD; Randel E. Richner, MPH.

Meeting Topic

The Committee will act on the recommendation of the Diagnostic Imaging panel regarding FDG Positron Emission Tomography (PET) imaging for breast cancer diagnosis and staging, and the recommendation of the Drugs, Biologics and Therapeutics panel regarding use of levocarntine in End Stage Renal Disease (ESRD) patients.

Procedure and Agenda

This meeting is open to the public. The Committee will hear oral presentations from the public for approximately 90 minutes. The Committee may limit the number and duration of oral presentations to the time available. If you wish to make a formal presentation you must notify the Executive Secretary named in the **FOR FURTHER INFORMATION CONTACT** section of this notice. In addition, the Executive Secretary must receive, by the Deadline for Presentations and Comments date listed in the **DATES** section of this notice, the names and addresses of proposed participants; a brief statement of the general nature of the evidence or arguments you wish to present; and a written copy of your presentation. We will request that you declare at the meeting whether or not you have any financial involvement with manufacturers of any items or services being discussed (or with their competitors).

After the public and CMS presentations, the Committee will deliberate openly on the topic. Interested persons may observe the deliberations, but the Committee will not hear further comments during this time except at the request of the chairperson. The Committee will also allow approximately a 30-minute open public session for any attendee to address issues specific to the topic. At the conclusion of the day, the members will vote and the Committee will make its recommendation.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 5, 2001.

Jeffrey L. Kang,

Director, Office of Clinical Standards and Quality, Centers for Medicare & Medicaid Services.

[FR Doc. 01–23325 Filed 9–18–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Methodology for Determining If an Increase in a State's Child Poverty Rate Is the Result of TANF.

OMB No. 0970–0186.

Description: In accordance with Section 413(i) of the Social Security Act and 45 CFR part 284, DHHS intends to extend the following information collection requirements for instances when Census Bureau data show that a State's child poverty rate increased by 5% or more from 1 year to the next: (1) Optional submission of data on child poverty from an independent source; (2) if the increase in the State's child poverty rate is still determined to be 5% or more, an assessment of the impact of the TANF program(s) in the State on the child poverty rate; and (3) if DHHS determines from the assessment and other information that the child poverty rate in the State increased as a result of the TANF program(s) in the State, a corrective action plan.

Respondents: The respondents are the 50 States and the District of Columbia; and when reliable Census Bureau data become available for the Territories, additional respondents will be Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Optional Submission of Data on Child Poverty from an Independent Source	54	1	8	432
Assessment of the Impact of TANF on the Increase in Child Poverty	54	1	120	6480
Corrective Action Plan	54	1	160	8640
Estimated Total Annual Burden Hours				15552

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and

comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques and other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: September 13, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–23326 Filed 9–18–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

PDA/FDA Viral Clearance Forum; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled ''Parenteral Drug Association (PDA)/FDA Viral Clearance Forum.'' The topic to be discussed is viral clearance for biologics.

Date and Time: The public workshop will be held on October 1, 2001, from 8 a.m. to 4:30 p.m., October 2, 2001, from 8:30 a.m. to 4:30 p.m., and October 3, 2001, from 8:30 a.m. to 3 p.m.

Location: The public workshop will be held at the Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD.

Contact:

For information regarding this notice: Nathaniel L. Geary, Center for Biologics Evaluation and Research (CBER) (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–6210, FAX 301–594–1944, e-mail: gearyn@cber.fda.gov.

For information regarding the public workshop: Melanie Whelan, Center for Biologics Evaluation and Research (HFM–43), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3841, FAX 301–827–3843, e-mail: Whelan@cber.fda.gov, or Leslie Zeck, PDA, Inc., 7500 Old Georgetown Rd., suite 620, Bethesda, MD 20814, 301–986–0293, FAX 301–986–0296, e-mail: zeck@pda.org.

If you need special accommodations due to a disability, please contact Leslie Zeck (address above) at least 7 days in advance.

Registration: Mail or fax your registration information (including name, title, firm name, address, telephone, and fax number), and registration fee to PDA, Inc., P.O. Box 79465, Baltimore, MD 21279–3465 by Monday, September 24, 2001. You may also register with PDA, Inc., by phone at 301–986–0293 or fax at 301–986–0296 with your credit card.

The registration fee will be used to offset the expenses of hosting the conference, including meals, refreshments, meeting rooms, and materials. You may obtain registration forms from PDA, Inc., (address above) or from the FDA Internet at http://www.fda.gov/cber/meetings.htm.

SUPPLEMENTARY INFORMATION: The public workshop is being cosponsored by FDA, CBER, and PDA, Inc. The goals of the public workshop are to discuss: (1) Current and new viral removal technologies; (2) issues related to the reuse of chromatographic columns with an emphasis on viral clearance requirements; (3) current opinions on the need to standardize quality attributes of viral preparations used as controls in spiking and infectivity assays; (4) current methods used to standardize or validate traditional infectivity assays; (5) implementation and acceptability of polymerase chain reaction (PCR), PCR enhanced reverse transcriptase, and real-time PCR-based viral assays, standardization and validation of these new assays, and (6) the potential of and issues related to bracket/matrix studies defining generic virus inactivation conditions. FDA expects that participation in this workshop will provide manufacturers a regulatory perspective on viral clearance and facilitate product development and approval.

Dated: September 10, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–23264 Filed 9–18–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Batrachotoxins as Unique Activators of Sodium Channels

John W. Daly (NIDDK)
DHHS Reference No. E–237–01/0
Licensing Contact: Pradeep Ghosh; 301–496–7736 ext. 211; e-mail: *ghoshp@od.nih.gov.*

Natural products provide a wide range of biologically active agents, many of which have unique pharmacological activity and therapeutic potential. The present invention relates to the identification and characterization of two alkaloids, namely, ''batrachotoxin'' and ''homobatrachotoxin,'' isolated from extracts of amphibian skin. Biologically, both these agents are potent activators of sodium channels. The sodium channels are primarily expressed in peripheral nerve cells in pain pathways, where they regulate cellular excitability. Thus, these channels are drug targets for the treatment of pain and/or peripheral neuropathies. The use of batrachotoxin or homobatrachotoxin as research tools

is applicable to sodium channel studies related to the effects of local anesthetics, analgesics, antiarrythmics and anticonvulsants. Further, advancement of these studies and target validation present commercial opportunities to expand ion channel drug discovery into new therapeutic areas.

Identification of a Cell-Surface Receptor for Papillomaviruses

Douglas R. Lowy, Patricia Day and John T. Schiller (NCI)

DHHS Reference No. E–179–01/0, filed 1 May 2001

Licensing Contact: Sally Hu; 301/496–7056 ext. 265; e-mail: *hus@od.nih.gov*.

Human papillomavirus (HPV) are the central cause of genital warts and most cervical cancers, which kills about 200,000 women globally each year. 20 million Americans acquire genital HPV infections annually. Prophylactic and therapeutic vaccines under development will likely afford strain-specific protection, precluding comprehensive immunity. In contrast, the instant invention identifies the cellular receptor that may be broadly utilized by papillomaviruses to gain entry into the cells. It further teaches developing molecular decoys for the virus to bind to, thereby preventing infection. The cell surface exposed domain of the receptor is soluble, biologically stable and is therefore suited for different delivery strategies including topical application. It may also be used for screening potential anti-HPV compounds. It can be produced by genetic engineering methods and may therefore lend itself to production in large amounts at a reasonable cost.

Secretion of Native Recombinant Lysosomal Enzymes by Liver

Dr. Nina Raben et al. (NIAMS)

DHHS Reference No. E–067–01/0 filed 09 Apr 2001

Licensing Contact: Marlene Shinn; 301–496–7056 ext. 285; e-mail: *shinnm@od.nih.gov*.

Glycogen storage disease type II (GSDII) is an autosomal recessive disorder caused by the deficiency of acid alpha-glucosidase (GAA), a glycogen-degrading lysosomal enzyme. This deficiency results in generalized deposition of lysosomal glycogen in almost all tissues of the body and can ultimately lead to cardiac failure before the age of two years. Current treatment for the disease includes repairing the deficiency by injecting recombinant protein into the patient made from either cultured Chinese Hamster Ovary (CHO) cells or secreted in the milk from rabbits that bear the transgene for the protein under a milk-specific promoter. Both recombinant proteins produced are extremely inefficient in their uptake into and function in targeted tissues.

The NIH announces a new technology that relates to the use of hepatocytes whether in culture or in vivo for the production of human GAA. The hepatocytes produce appropriate post-translational modification of the enzyme in liver cells by proper glycosylation, thereby producing a superior enzyme capable of being easily taken up and localized intracellularly in the target tissue. Once there, the enzyme digests glycogen present in lysosomes.

High-Volume On-Line Spectroscopic Composition Testing of Manufactured Pharmaceutical Dosage Units

E. Neil Lewis, David J. Strachen, Linda H. Kidder (NIDDK)

DHHS Reference No. E–249–99/1 filed 14 Jul 1999

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: *berkleyd@od.nih.gov*.

The invention is a pharmaceutical dosage unit manufacturing process control system that uses continuous spectral imaging to test the actual composition of pharmaceutical dosages even in packaged drugs. The system can screen for errors in coloring of ingredients, for contamination or breakdown that occurs independent of coloring and for other types of errors that might not otherwise be detected. The system can perform composition measurements through the end-user package walls to detect contamination or damage that occurs during packaging. The invention performs composition analysis by comparing spectral information with libraries of known spectral signatures, allowing small concentrations of potentially dangerous contaminants to be detected. Relative quantities of ingredients can be directly measured, such that a change in the ratio of these ingredients can be detected.

Dated: September 7, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–23295 Filed 9–18–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

State-of-the-Science Conference on Endoscopic Retrograde; Cholangiopancreatography (ERCP) for Diagnosis and Therapy

Notice is hereby given of the National Institutes of Health (NIH) State-of-the-Science Conference on ''Endoscopic Retrograde Cholangiopancreatography (ERCP) for Diagnosis and Therapy,'' which will be held January 14–16, 2002, in the NIH's Natcher Conference Center, 45 Center Drive, Bethesda, Maryland 20892. The conference begins at 8:30 am on January 14 and 15, at 9 am on January 16, and is open to the public.

ERCP is a procedure physicians use to diagnose and treat problems in the liver, gallbladder, bile ducts, and pancreas. It combines the use of X-rays and an endoscope, a long, flexible, lighted tube. ERCP first came into use about 30 years ago and has been applied to the diagnosis and management of a variety of gastrointestinal disorders. However, the value of ERCP relative to other means for diagnosing and treating these diseases has not been firmly established.

The purpose of the conference is to examine the current state of knowledge regarding the use of ERCP for diagnosis and therapy so that health care providers and the general public can make informed decisions about this important public health issue.

During the first day-and-a-half of the conference, experts will present the latest ERCP research findings to an independent non-Federal panel. After weighing all of the scientific evidence, the panel will draft a statement that will address the following key questions:

- What is the role of ERCP in gallstone disease?
- What is the role of ERCP in pancreatic and biliary malignancy?
- What is the role of ERCP in pancreatitis?
- What is the role of ERCP in abdominal pain of possible pancreatic or biliary origin?
- What are the factors determining adverse events or success?
- What future research directions are needed?

On the final day of the conference, the panel's draft statement will be read in public, at which time members of the public are invited to offer comments on the draft.

The primary sponsors of this meeting are the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) and the NIH Office of Medical

Applications of Research (OMAR). Cosponsors include the National Cancer Institute (NCI) and the U.S. Food and Drug Administration (FDA).

Advance information about the conference and conference registration materials may be obtained from Prospect Associates of Silver Spring, Maryland, by calling (301) 592–3320 or by e-mail *ercp@prospectassoc.com.* Prospect Associates' address is 10720 Columbia Pike, Suite 500, Silver Spring, Maryland 20901–4437. A conference agenda and registration information are also available on the NIH Consensus Program Web site at *http://consensus.nih.gov.*

Dated: September 12, 2001.

Ruth L. Kirschstein,

Acting Director, NIH.

[FR Doc. 01–23294 Filed 9–18–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: October 4, 2001.

Time: 10 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Melissa Stick, PhD, MPH, Scientific Review Administrator, Scientific Review branch, Division of Extramural Research, NIDCD/NIH, 6102 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–23291 Filed 9–18–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: September 19–20, 2001.

Time: 7 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Hallmark Inn, 110 F Street, Davis, CA 95616.

Contact Person: Louise L. Hsu, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: October 5, 2001.

Time: 11 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Gateway Building Rm 2C212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, PhD, Health Scientific Administrator, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group; Biological Aging Review Committee.

Date: October 8–9, 2001.

Time: 6 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Review Group; Behavior and Social Science of Aging Review Committee.

Date: October 11, 2001.

Time: 1:30 pm to 4:30 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mary Ann Guadagno, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel; Small Grants in Sociology and Psychology.

Date: October 12, 2001.

Time: 8:30 am to 1 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mary Ann Guadagno, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group; Neuroscience of Aging Review Committee.

Date: October 15–16, 2001.

Time: 7 pm to 1 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW Washington, DC 20007

Contact Person: Louise L. Hsu, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: October 17, 2001.

Time: 8:15 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Jeffrey M. Chernak, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: October 17–18, 2001.

Time: 6 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Ave, NW., Washington, DC 20007.

Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Initial Review Group; Clinical Aging Review Committee.

Date: October 19, 2001.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: William A. Kachadorian, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2c212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: October 22–23, 2001.

Time: 6 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Hawthorne Inn and Conference Center, 420 High Street, Winston-Salem, NC 27101.

Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: November 6, 2001.

Time: 11 am to 12 pm.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Louise L. Hsu, PhD, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: November 6–7, 2001.

Time: 7 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Markham & Broadway, Little Rock, AR 72201.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: December 11–12, 2001.

Time: 6 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: The Tutwiler, 2021 Park Place North, Birmingham, AL 35203.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–23293 Filed 9–18–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 17, 2001.

Time: 2 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call.

Contact Person: Jeanne N. Ketley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–1789.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–23292 Filed 9–18–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of a Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Substance Abuse and Mental Health Services Administration (SAMHSA) National Advisory Council in October 2001.

The SAMHSA National Advisory Council meeting will be open and will include discussions on the Agency's restructuring and delayering plans and 2002 Appropriations, a presentation on the National Household Survey on Drug Abuse, an update on SAMHSA's 2001 Grant Awards, and a presentation on the Surgeon General's Report on Culture, Race and Ethnicity. In addition, there will be presentations by four SAMHSA National Advisory Council members on State drug trends and epidemiology data; on mental health and substance abuse issues of women and children; on current issues related to co-occurring disorders; and on mental health system changes in the State of Wyoming. Finally, there will be a discussion on what SAMHSA is doing to market itself.

Attendance by the public will be limited to space available. Public comments are welcome. Please communicate with the individual listed as contact below to make arrangements to comment or to request special accommodations for persons with disabilities.

Substantive program information, a summary of the meeting, and a roster of Council members may be obtained from the contact whose name and telephone number is listed below.

Committee Name: SAMHSA National Advisory Council.

Date/Time: Tuesday, October 2, 2001, 9:00 a.m. 5:45 p.m. (Open); Wednesday, October 3, 2001, 8:30 a.m. to 4:00 p.m. (Open).

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878.

Contact: Toian Vaughn, Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 17–89, Rockville, MD 20857, Telephone: (301) 443–7016; FAX: (301) 443–1587 and e-mail: *TVaughn@samhsa.gov.*

Dated: September 13, 2001.

Toian Vaughn,

Committee Management Officer, SAMHSA.

[FR Doc. 01–23265 Filed 9–18–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of Performance Review Board Appointments.

SUMMARY: This notice provides the names of individuals who have been appointed to serve as members of the Department of the Interior Performance Review Board.

DATES: These appointments are effective September 19, 2001.

FOR FURTHER INFORMATION CONTACT: Shirley Schell, Department of the Interior, Office of Personnel Policy, 1849 C Street, NW., Washington, DC 20240, Telephone Number (202) 208–7274.

2001 SES Performance Review Board

The following Senior Executive Service members have been appointed to serve on the Department of the Interior 2001 Performance Review Board:

James C. Douglas, Assistant Special Trustee for American Indians
Paul Smyth, Deputy Associate Solicitor (Land and Water Resources
Hugo Tuefel, III, Associate Solicitor (General Law)
William D. Bettenberg, Deputy Director, Office of Policy Analysis
Charles E. Breece, Principal Deputy Director, Office of Hearings and Appeals
Dolores L. Chacon, President DOI University—National Business Center
Carolyn Cohen, Director, Office of Personnel Policy
Debra Sonderman, Director, Office of Acquisition and Property Management
Timothy G. Vigotsky, Director, National Business Center
Scott J. Cameron, Deputy Assistant Secretary for Performance & Management
Joseph E. Doddridge, Staff Assistant
J. Lynn Smith, Human Resources Program Manager
Katherine H. Stevenson, Assoc Director—Cultural Stewardship and Partnership
Robyn Thorson, Assistant Director—External Affairs
Denise E. Sheehan, Assistant Director—Budget, Planning and Human Resources
J. William McDonald, Regional Director—Pacific Northwest Reg
Maryanne Bach, Regional Director, Great Plains Region
Robert W. Johnson, Regional Director—Lower Colorado
Stephen V. Magnussen, Deputy Director, Operations West
Larry L. Todd, Director, Operations
Earnest B. Brunson, Regional Geographer—Eastern Region
John A. Kelmelis, Associate Division Chief for Science
Bonnie A. McGregor, Regional Director—Easter Region
Stanley Ponce, Physical Scientist (Senior Liaison for Interagency Pgms)
Henri R. Bisson, Assistant Director—Renewable Resources and Planning
Gayle F. Gordon, State Director—Eastern States
Ann J. Morgan, State Director, Colorado
W. Hord Tipton, III, Assistant Director—Information Resource Management
Thomas A. Readinger, Deputy Associate Director Offshore
Robert E. Brown, Associate Director for Administration and Budget
Richard J. Seibel, Special Assistant to the Director
James H. McDivitt, Deputy Assistant Secretary—Indian Affairs for Policy, Mgt and Budget
William A. Sinclair, Director, Office of Self-Governance
Lawrence Morrin, Area Director, Minneapolis
Terrance L. Virden, Director, Office of Trust Responsibilities

Dated: September 13, 2001.

Carolyn Cohen,

Director of Personnel Policy.

[FR Doc. 01–23338 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS), Alaska Region, Beaufort Sea, Oil and Gas Lease Sales 186, 195, and 202 for Years 2003, 2005, and 2007

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Call for Information and Nominations and Notice of Intent (Call/NOI) to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The Secretary's preliminary decision to consider three sales in the Beaufort Sea planning area in the Draft Proposed OCS Oil and Gas Leasing Program for 2002–2007 (DPP) provides for the first sale to be held in 2003, with subsequent sales in 2005 and 2007. The MMS has modified its prelease planning and decision process for proposed Beaufort Sea sales included in the DPP. This Call/NOI reflects that change and is in keeping with the Secretary's preliminary decision to analyze these three sales in a multi-sale EIS. The sale process for this first sale will require a minimum of 2 years to complete. In order to meet the requirements of that schedule, we are issuing this Call/NOI at this time, recognizing that the final decision on the 2002–2007 5-year program has not been made and final delineation of the program areas and number of sales may change from that included in the DPP.

DATES: Nominations and comments on the Call for Information and comments on the Notice of Intent must be received no later than November 5, 2001.

FOR FURTHER INFORMATION CONTACT: Please call Tom Warren at (907) 271–6691 in MMS's Alaska OCS Region regarding questions on the Call/NOI.

SUPPLEMENTARY INFORMATION: The multi-sale review process is based on over 25 years of leasing in the Beaufort Sea. The process will incorporate planning and analysis for three tentatively scheduled sales: Sales 186, 195, and 202. From the initial step in the process (the Call/NOI) through the final EIS/Consistency Determination step, this process will cover multiple sale proposals. However, there will also be complete National Environmental Policy Act (NEPA), OCS Lands Act, and Coastal Zone Management Act coverage for each sale after the first sale—either an Environmental Assessment or Supplemental EIS; Consistency Determination; and a proposed and final Notice of Sale.

The environmental analysis and the Consistency Determination for subsequent sales (195 and 202) will focus primarily on new issues or changes in a State's federally-approved coastal management plan. This process will

—Focus the environmental analysis by making impact types and levels that change between sales more easily recognizable for all reviewers;
—Result in new issues being more easily highlighted for the public;
—Eliminate issuance and public review of repetitive, voluminous EISs for each sale—a practice that has resulted in ''review burnout'' by Federal, State, local and tribal governments, and the public; and
—Result in a more efficient and responsive application of NEPA.

This Call does not indicate a preliminary decision to lease in the area described in Call for Information and Nominations, Item 3, ''Description of Area,'' below. Final delineation of the areas for possible leasing will be made at a later date in the presale process for each sale in compliance with the final 5-year program and with applicable

laws including all requirements of the NEPA and the OCS Lands Act.

Call for Information and Nominations

1. Authority

This Call is published pursuant to the OCS Lands Act as amended (43 U.S.C. 1331–1356, (1994)), the regulations issued thereunder (30 CFR part 256); and in accordance with the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2002 to 2007.

2. Purpose of Call

The purpose of the Call is to gather preliminary information for the following tentatively scheduled OCS Oil and Gas Lease Sales in the Beaufort Sea:

Sale No.	Tentative sale date
186	Fall 2003.
195	Spring 2005.
202	Spring 2007.

Information and nominations on oil and gas leasing, exploration, and development and production within the Beaufort Sea are sought from all interested parties. This early planning and consultation step is important for ensuring that all interests and concerns are communicated to the Department of the Interior for future decisions in the leasing process pursuant to the OCS Lands Act and regulations at 30 CFR part 256.

Responses are requested relative to all sales included herein. This Call/NOI is being issued in accordance with the Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2002 to 2007 (DPP) published on July 23, 2001 (66 FR 38314). The DPP chose a three sale option for leasing in the Beaufort Sea in the 2002–2007 5-year program.

3. Description of Area

The area that is the subject of this Call is located offshore the State of Alaska in the Beaufort Sea Planning Area. It extends offshore from about 3 to approximately 60 nautical miles, in water depths from approximately 25 feet to 200 feet. A small portion of the outer limits of the sale area north of Harrison Bay drops to approximately 3,000 feet. This area consists of approximately 1,898 whole and partial blocks (about 9.9 million acres). A page size map of the area accompanies this Notice. A large scale Call map showing the boundaries of the area on a block-by-block basis is available without charge from the Records Manager at the address given below, or by telephone request at (907) 271–6621. Copies of Official Protraction Diagrams (OPDs) are also available for $2 each. Alaska OCS Region, Minerals Management Service 949 East 36th Avenue, Room 308, Anchorage, Alaska 99508–4302, http://www.mms.gov/alaska.

4. Instructions on Call

The Call for Information Map and indications of interest and/or comments must be submitted to the Regional Supervisor, Leasing and Environment, at the address under Item 3, ''Description of Area.''

The Call map delineates the area that is the subject of this Call. Respondents are requested to indicate interest in and comment on any or all of the Federal acreage within the boundaries of the Call area that they wish to have included in each of the proposed sales in the Beaufort Sea.

If you wish to comment, you may submit your comments by any one of the following methods:

- You may mail comments to the address under Item 3. Envelopes should be labeled ''Nominations for Proposed 2002–2007 Lease sales in the Beaufort Sea,'' or ''Comments on the Call for Information and Nominations for Proposed Lease Sales in the Beaufort Sea,'' as appropriate.
- You may also comment via e-mail to BeaufortMulti-Sale@mms.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: Comments on Call for Information and Nominations for Proposed 2002–2007 Lease Sales in the Beaufort Sea'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (907) 271–6621.
- Finally, you may hand-deliver comments to the address under Item 3.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

A. *Areas of Interest to the Oil and Gas Industry*. Specific nominations are being sought regarding the oil and gas industry area(s) of interest. MMS is soliciting nominations of blocks that are of significant industry interest for exploration and development and production.

Nominations must be depicted on the Call map by outlining the area(s) of interest along block lines. Nominators are asked to submit a list of whole and partial blocks nominated (by OPD and block number) to facilitate correct interpretation of their nominations on the Call map. Although the identities of those submitting nominations become a matter of public record, the individual nominations are proprietary information.

Nominators also are requested to rank blocks nominated according to priority of interest (e.g., priority 1 (high), or 2 (medium)). Blocks nominated that do not indicate priorities will be considered priority 3 (low). Nominators must be specific in indicating blocks by priority and be prepared to discuss their range of interest and activity regarding the nominated area(s). The telephone number and name of a person to contact in the nominator's organization for additional information should be included in the response. This person will be contacted to set up a mutually agreeable time and place for a meeting with the Alaska OCS regional office to present their views regarding the company's nominations.

B. *Relation to Coastal Management Plans.* Comments also are sought on potential conflicts with approved local coastal management plans (CMP) that may result from the proposed sale and future OCS oil and gas activities. These comments should identify specific CMP policies of concern, the nature of the conflicts foreseen, and steps that MMS could take to avoid or mitigate the potential conflicts. Comments may be in terms of broad areas or restricted to particular blocks of concern. Commenters are requested to list block numbers or outline the subject area on the large-scale Call map.

5. Use of Information From Call

Information submitted in response to this Call will be used for several purposes. Responses will be used to:

—Help identify areas of potential oil and gas development;
—Identify environmental effects and potential use conflicts;
—Assist in the scoping process for the EIS;

—Develop possible alternatives to the proposed action;

—Develop lease terms and conditions/mitigating measures; and

—Identify potential conflicts between oil and gas activities and the Alaska CMP.

6. Existing Information

MMS has acquired a substantial amount of information, including that gained through the use of traditional knowledge, on the issues and concerns related to oil and gas leasing in the Beaufort Sea.

An extensive environmental, social, and economic studies program has been underway in this area since 1975. The emphasis has been on geologic mapping, environmental characterization of biologically sensitive habitats, endangered whales and marine mammals, physical oceanography, ocean-circulation modeling, and ecological and socio-cultural effects of oil and gas activities.

Information on the studies program, completed studies, and a program status report for continuing studies in this area may be obtained from the Chief, Environmental Studies Section, Alaska OCS Region, by telephone request at (907) 271–6577, or by written request at the address stated under ''Description of Area,'' Item 3. A request may also be made via the Alaska Region website at www.mms.gov/alaska/ref/pubindex/pubsindex.htm.

7. Tentative Schedule

The following is a list of tentative milestone dates applicable to sales covered by this Call:

	Multi-sale process milestones for proposed 2002–2007 Beaufort Sea Sale 186
Call/NOI published	September 2001.
Comments due on Call/NOI.	October 2001.
Area Identification	November 2001.
Draft EIS published ...	May 2002.
Public Hearings	July 2002.
Final EIS/Consistency Determination/Proposed Notice of Sale issued.	February 2003.
Governor's Comments due (Sale 186).	May 2003.
Final Notice of Sale published (Sale 186).	August 2003.
Sale 186	September 2003.

	Sale-specific process milestones for proposed 2002–2007 Beaufort Sea Sales 195, 202
Request for Information to Begin Sale-Specific Process.	18 months before each sale.
Area Identification	15 months before each sale.
NEPA Review published.	6 to 8 months before each sale.
Proposed Notice and Consistency Determination.	6 months before each sale.
Final Notice of Sale ..	45 days before each sale.
Tentative Sale Date ..	March.

Notice of Intent To Prepare an Environmental Impact Statement

1. Authority

The NOI is published pursuant to the regulations (40 CFR 1501.7) implementing the provisions of the NEPA of 1969 as amended (42 U.S.C. 4321 *et seq.* (1988)).

2. Purpose of Notice of Intent

Pursuant to the regulations (40 CFR 1501.7) implementing the procedural provisions of the NEPA of 1969 (42 U.S.C. 4321 *et seq.*), MMS is announcing its intent to prepare a multi-sale EIS on the tentatively scheduled oil and gas lease sales in the Beaufort Sea off Alaska for the 5-year program period of July 2002 through June 2007. The EIS analysis will focus on the potential environmental effects of three sales, and exploration and development and production of the areas defined in the Area Identification procedure as the proposed areas of the Federal actions. Alternatives to the proposals which may be considered for each individual sale are to delay the sale, modify the sale, or cancel the sale. These and any additional alternatives developed through the process for each individual sale will be considered in the sale-specific decision process. This Notice of Intent also serves to announce the initiation of the scoping process for this EIS. Throughout the scoping process, Federal, State, tribal, and local governments and other interested parties aid MMS in determining the significant issues and alternatives to be analyzed in the EIS and the possible need for additional information.

3. New EIS Procedure

The MMS is proposing to prepare a single EIS for all three proposed Beaufort Sea sales from 2002 to 2007. The resource estimates and scenario information on which the EIS analysis are based will be presented as a range of resources and activities that would encompass any of the three proposed sales in the Beaufort Sea.

This proposal will provide several benefits. It will focus the NEPA process by making impact types and levels that change between sales more easily recognizable. New issues will be more easily highlighted for the decisionmakers and the public. It will also eliminate the repetitive issuance of a complete EIS for each sale, a practice that has resulted in ''review burnout in Federal, State, tribal, and local governments, and the public.

The proposed actions analyzed in the EIS will be each of the sales on the 5-year schedule for the Beaufort Sea planning area. The EIS will include an analysis of the environmental effects of holding three sales. The scenario will cover a range of resources and activities that will encompass any of the three proposed actions. Later sales can then be compared to the initial analysis in an Environmental Assessment or supplemental EIS. Formal consultation with the public will be initiated in subsequent years to obtain input to assist in the determination of whether or not the information and analyses in the original multi-sale EIS are still valid. A sale-specific Information Request will be issued that will specifically describe the action for which we are requesting input.

4. Instructions on Notice of Intent

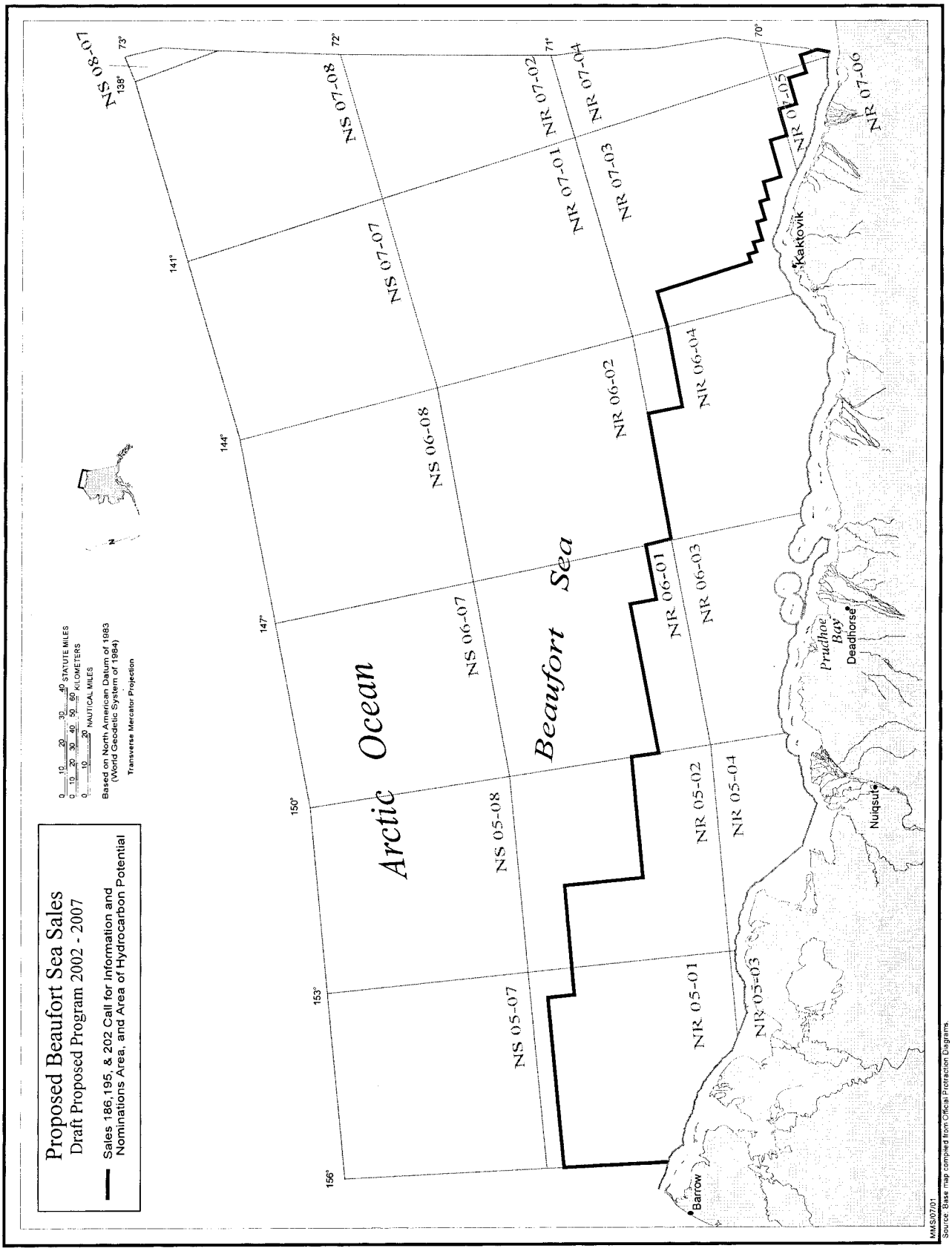
Federal, state, tribal, and local governments and other interested parties are requested to send their written comments on the Scope of the EIS, significant issues that should be addressed, and alternatives that should be considered to the Regional Supervisor, Leasing and Environment, Alaska OCS Region, at the address stated under Call for Information and Nominations, Item 4, ''Instructions on Call.'' Comments should be enclosed in an envelope labeled ''Comments on the Notice of Intent to Prepare an EIS on Proposed Beaufort Sea Lease Sales Included in the 5-Year Program, 2002–2007.'' Scoping meetings will be held in appropriate locations to obtain additional comments and information regarding the scope of this EIS.

Dated: August 27, 2001.

Thomas R. Kitsos,

Acting Director, Minerals Management Service.

BILLING CODE 4310–MR–P



[FR Doc. 01–23344 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–MR–C

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Official Protraction Diagrams

AGENCY: Minerals Mangement Service, Interior.

ACTION: Status of OCS Official Protraction Diagram.

SUMMARY: Notice is hereby given that effective with this publication, the following NAD 83-based OCS Official Protraction Diagrams last revised on the date indicated are the latest documents available. These diagrams are on file and available for information only in the Gulf of Mexico OCS Regional Office, New Orleans, Louisiana. In accordance with Title 43, Code of Federal Regulations, these diagrams are the basic record for the description of mineral and oil and gas lease sales in the geographic areas they represent.

FOR FURTHER INFORMATION CONTACT: Copies of Leasing Maps and Official Protraction Diagrams are $2.00 each. These may be purchased from the Public Information Unit, Information Services Section, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Telephone (504) 736–2519 or (800) 200-GULF.

SUPPLEMENTARY INFORMATION: Leasing Maps and Official Protraction Diagrams may be obtained in two digital formats: .gra files for use in ARC/INFO and .pdf files for viewing and printing in Acrobat. Copies are also available for download at *http://www.gomr.mms.gov/homepg/lsesale/mapdiag.html.*

Description		Date
NF17–01	Tortugas Valley.	13–MAR–1997.
NF17–02	Rompidas Ledge.	13–MAR–1997.
NG17–02	Ft. Pierce	13–MAR–1997.
NG17–03	Walker Cay	13–MAR–1997.
NG17–05	West Palm Beach.	13–MAR–1997.
NG17–06	Bahamas	13–MAR–1997.
NG17–08	Miami	13–MAR–1997.
NG17–09	Bimini	13–MAR–1997.
NG17–10	Dry Tortugas	13–MAR–1997.
NG17–11	Key West	13–MAR–1997.
NG17–12	Andros	13–MAR–1997.
NH17–02	Brunswick	01–MAR–1999.
NH17–03	Hoyt Hills	23–AUG–1996.
NH17–05	Jacksonville	13–MAR–1997.
NH17–06	Stetson Mesa	23–AUG–1996.
NH17–08	Daytona Beach.	13–MAR–1997.
NH17–09	Adams	23–AUG–1996.
NH17–11	Orlando	13–MAR–1997.
NH17–12	Pillsbury	13–MAR–1997.
NH18–01	Harrington Hill	23–AUG–1996.
NH18–02	Taylor	23–AUG–1996.
NH18–03	(Unnamed)	23–AUG–1996.
NH18–04	Blake Spur	23–AUG–1996.
NH18–05	(Unnamed)	23–AUG–1996.
NH18–07	McAlinden Spur.	23–AUG–1996.
NH18–10	Blake Escarpment.	13–MAR–1997.
NI17–09	Georgetown	05–JUL–1995.
NI17–11	Savannah	05–JUL–1995.
NI17–12	James Island	05–JUL–1995.
NI18–01	Rocky Mount	13–MAR–1997.
NI18–02	Manteo	13–MAR–1997.
NI18–03	Wraight	23–AUG–1996.
NI18–04	Beaufort	13–MAR–1997.
NI18–05	Russell	13–MAR–1997.
NI18–06	Hatteras Ridge	23–AUG–1996.
NI18–07	Cape Fear	13–MAR–1997.
NI18–08	Marmer	23–AUG–1996.
NI18–09	Lanier	23–AUG–1996.
NI18–10	Richardson Hills.	23–AUG–1996.
NI18–11	Wittman	23–AUG–1996.
NI18–12	Tibbet	23–AUG–1996.
NI19–01	Lippold	23–AUG–1996.
NI19–04	Evans	23–AUG–1996.
NI19–07	(Unnamed)	23–AUG–1996.
NJ18–02	Wilmington	02–JUL–1996.
NJ18–03	Hudson Canyon.	23–AUG–1996.
NJ18–05	Salisbury	02–JUL–1996.
NJ18–06	Wilmington Canyon.	23–AUG–1996.
NJ18–08	Chincoteague	13–MAR–1997.
NJ18–09	Baltimore Rise	23–AUG–1996.
NJ18–11	Currituck Sound.	13–MAR–1997.
NJ18–12	Hyman	23–AUG–1996.
NJ19–01	Block Canyon	23–AUG–1996.
NJ19–02	Veatch Canyon	23–AUG–1996.
NJ19–03	Bear Seamount.	23–AUG–1996.
NJ19–04	Heezen Plateau.	23–AUG–1996.
NJ19–05	Powell	23–AUG–1996.
NJ19–06	Muller	23–AUG–1996.
NJ19–07	Jones	23–AUG–1996.
NJ19–08	Uchupi	23–AUG–1996.
NJ19–10	Wilmington Valley.	23–AUG–1996.
NJ20–01	Balanus Seamount.	23–AUG–1996.
NK18–09	Hartford	02–JUL–1996.
NK18–11	Newark	02–JUL–1996.
NK18–12	New York	02–JUL–1996.
NK19–01	Portland	13–MAR–1997.
NK19–02	Bath	13–MAR–1997.
NK19–03	Jordan Basin	13–MAR–1997.
NK19–04	Boston	01–APR–1999.
NK19–05	Cashes Ledge	01–APR–1999.
NK19–06	Browns Bank	13–MAR–1997.
NK19–07	Providence	13–MAR–1997.
NK19–08	Chatham	13–MAR–1997.
NK19–09	Corsair Canyon.	13–MAR–1997.
NK19–10	Block Island Shelf.	13–MAR–1997.
NK19–11	Hydrographer Canyon.	23–AUG–1996.
NK19–12	Lydonia Canyon.	13–MAR–1997.
NK20–10	Stewart	13–MAR–1997.
NL19–11	Bangor	13–MAR–1997.
NL19–12	Eastport	13–MAR–1997.

Dated: August 26, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01–23345 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Meeting of the Yakima River Basin Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, notice is hereby given that the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington, established by the Secretary of the Interior, will hold a public meeting. The purpose of the Conservation Advisory Group is to provide technical advice and counsel to the Secretary and the State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program.

DATES: Thursday, October 4, 2001, 9 a.m.–4 p.m.

ADDRESSES: Bureau of Reclamation Office, 1917 Marsh Road, Yakima, Washington.

FOR FURTHER INFORMATION CONTACT: James Esget, Manager, Yakima River Basin Water Enhancement Project, 1917 Marsh Road, Yakima, Washington, 98901; (509) 575–5848, extension 267.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review water marketing opportunities in the Yakima River Basin and develop recommendations.

Dated: September 6, 2001.

James A. Esget,

Program Manager.

[FR Doc. 01–23315 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: Extension of a currently approved collection; Report of

Theft or Loss of Controlled Substances—DEA Form 106.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 19, 2001. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia Good, 202–307–7297, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Report of Theft or Loss of Controlled Substances—DEA Form 106.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form No.:* DEA Form 106. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit. *Other:* Individuals or households. Title 21, CFR, 1301.74(c) and 1301.76(b) requires DEA registrants to complete and submit DEA–106 upon discovery of a theft or loss of controlled substances. Purpose: accurate accountability; monitor substances diverted into illicit markets and develop leads for criminal investigations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 3,765 respondents, 6151 responses with and average 30 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,076 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20004.

Dated: September 13, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–23270 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities; Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: extension of a currently approved collection; application for permit to Export Controlled Substances—DEA Form 161.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 19, 2001. This process is conducted with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia Good, 202–307–7297, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Application for Permit to Export Controlled Substances—DEA Form 161.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form No. DEA Form 161. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other-for-profit. *Other:* None. Title 21 CFR 1312.22 requires individuals who export controlled substances in Schedules I and II to obtain a permit from DEA. Information is used to issue export permits and exercise control over exportation of controlled substances and

compile data for submission to UN for treaty requirements.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 225 respondents, 2000 responses per year with an average of 30 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20004.

Dated: September 13, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–23271 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information Collection under review: Extension of a currently approved collection; Registrants Inventory of Drugs Surrendered—DEA Form 41.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 19, 2001. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia Good, 202–307–7297, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

DEA wishes to note that the language of the DEA Form 41 is being changed to reflect DEA policy that controlled substances are no longer accepted by DEA field offices for destruction. Inquiries regarding destruction of controlled substances may be made to DEA field offices.

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Registrants Inventory of Drugs Surrendered—DEA Form 41.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form No.:* DEA Form 41. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for profit. *Other:* None. Title 21, CFR, 1307.21 requires that any registrant desiring to voluntarily dispose of controlled substances shall list these controlled substances on DEA Form 41 and submit to the nearest DEA office. The DEA 41 is used to account for surrendered destroyed controlled substances, and its use is mandatory.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 20,000 respondents with an average of 30 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 10,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW, Washington, DC 20004.

Dated: September 13, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–23272 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day Notice of information collection under review: extension of a currently approved collection; Controlled Substances Import/Export Declaration—DEA Form 236.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 19, 2001. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia Good, 202–307–7297, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component,

including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Controlled Substances Import/Export Declaration—DEA Form 236.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form No.:* DEA Form 236. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to response, as well as a brief abstract:* Primary: Business or other for-profit. *Other:* None. DEA–236 provides the DEA with control measures over the importation and exportation of controlled substances as required by both domestic and international drug control laws. Affected public consists of businesses or other for profit organizations.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: 358 respondents, 2684 responses per year with an average 30 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 1,432 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW, Washington, DC 20004.

Dated: September 13, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–23273 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposal Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Extension of a Currently Approved Collection; Import/Export Declaration: Precursor and Essential Chemicals—DEA Form 486.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 16, 2001. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia Good, 202–307–7297, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Import/Export Declaration: Precursor and Essential Chemicals.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form No.: DEA Form 486. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. *Other:* Individuals or households. The Chemical Diversion and Trafficking Act of 1988 requires those who import/export certain chemicals to notify the DEA 15 days prior to shipment. Information will be used to prevent shipments not intended for legitimate purposes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:*

DEA Form 486: 550 respondents with an average 12 minute per response.

DEA Quarterly Report: 100 respondents with an average 30 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

DEA Form 486: 1,400 annual burden hours.

DEA Quarterly Report: 200 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20004.

Dated: September 13, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–23274 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Extension of a Currently Approved Collection; Application for Registration Under Domestic Chemical Diversion Control Act of 1993 and Renewal Application for Registration under Domestic Chemical Control Act of 1993.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 19, 2001. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia Good, 202–307–7297, Chief, Policy and Liaison Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

2. Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Application for Registration Under Domestic Chemical Diversion Control Act of 1993 and Renewal Application for Registration under Domestic Chemical Diversion Control Act of 1993.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form No.:* DEA Form 510 and 510a. Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. *Other:* Individuals or households. The Domestic Chemical Diversion Control Act requires that distributors, importers, and exporters of listed chemicals which are being diverted in the United States for the production of illicit drugs must register with DEA. Registration provides a system to aid in the tracking of the distribution of List I chemicals.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 3,200 respondents with an average 30 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,600 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20004.

Dated: September 13, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01–23275 Filed 9–18–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Parole Commission

[6P04091]

Public Announcement; Pursuant To The Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 552b]

Agency Holding Meeting: United States Parole Commission, Department of Justice.

Time and Date: 9:30 a.m., Thursday, September 20, 2001.

Place: 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

Status: Open.

Matters to be Considered: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of Previous Commission Meeting.

2. Reports from the Chairman, Commissioners. Legal, Chief of Staff, Case Operations, and Administrative Sections.

3. Approval of Rules and Procedures Manual Provisions on Retardation of Parole Dates for Release Planning; Release Planning in Cases with Effective Parole Dates; Reparole Decisions; Definition of Burglary/Unlawful Entry; and Salient Factor Score Instructions.

4. Proposed Amendment of 28 CFR § 2.23(a) to Delegate to Hearing Examiners the Functions of Making Probable Cause Determinations, Determining the Location of Revocation Hearings, and Determining the Witnesses who Should Attend Such Hearings.

Agency Contact: Sam Robertson, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: September 14, 2001.

Rockne Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. 01–23413 Filed 9–17–01; 10:39 am]

BILLING CODE 4410–31–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting; Pursuant to the Government in the Sunshine Act, Public Law 94–409, 5 U.S.C. Section 552b

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

DATE AND TIME: 10:30 a.m., Thursday, September 20, 2001.

PLACE: U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

STATUS: Closed—Meeting.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting: Appeals to the Commission involving approximately two cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole and are contesting revocation of parole or mandatory release.

AGENCY CONTACT: Sam Robertson, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: September 14, 2001.

Rockne Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. 01–23423 Filed 9–17–01; 12:04 am]

BILLING CODE 4410–31–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 6, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Marlene Howze at ((202) 219–8904 or email *Howze-Marlene@dol.gov).*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for PWBA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Pension and Welfare Benefits Administration (PWBA).

Title: Class Exemption 81–8 for Investment of Plan Assets in Certain Types of Short-Term Investments.

OMB Number: 1210–0061.

Affected Public: Business or other for-profit; Individuals or households; and Not-for-profit institutions.

Frequency: On occasion.

Number of Respondents: 38,200.

Number of Annual Responses: 191,185.

Estimated Time Per Response: 10 minutes.

Total Burden Hours: 31,900.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining system or purchasing services): $71,000.

Description: Class Exemption 81–8 permits the investment of plan assets that involve the purchase or other acquisition, holding, sale, exchange or redemption by or on behalf of an employee benefit plan of certain types of short-term investments. Without the exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act (ERISA).

The Department has included in the class exemption two basic disclosure requirements. The first requirement calls for the repurchase agreements between the seller and the plan to be in writing.

The second requirement obliges the seller of such repurchase agreements to provide financial statements to the plan at the time of the sale and as the statements are issued.

Type of Review: Extension of a currently approved collection.

Agency: Pension and Welfare Benefits Administration (PWBA).

Title: Prohibited Transaction Class Exemption T88–1.

OMB Number: 1210–0074.

Affected Public: Business or other for-profit; Individuals or households; and Not-for-profit institutions.

Frequency: On occasion.

Number of Respondents: 1.

Number of Annual Responses: 1.

Estimated Time Per Response: 1 hour.

Total Burden Hours: 1.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Prohibited Transaction Class Exemption T88–1 adopts, for purposes of the prohibited transaction provisions of section 8477(c)(2) of the Federal Employees' Retirement System Act of 1986 (FERSA), certain prohibited transaction class exemptions granted pursuant to section 408(a) of ERISA. The information collection requirements incorporated within the Class Exemptions are intended to ensure that a Class Exemption is not abused, the rights of participants and beneficiaries are protected, and the affected fiduciaries comply with the Class Exemption's conditions.

Type of Review: Extension of a currently approved collection.

Agency: Pension and Welfare Benefits Administration (PWBA).

Title: Prohibited Transaction Class Exemption 94–71.

OMB Number: 1210–0091.

Affected Public: Business or other for-profit; Individuals or households; and Not-for-profit institutions.

Frequency: On occasion.

Number of Respondnets: 4.

Number of Annual Responses: 1,080.

Estimated Time Per Response: 1 hour.

Total Burden Hours: 40.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $400.

Description: Prohibited Transaction Class Exemption 94–71 exempts certain transactions authorized by a settlement agreement resulting from an investigation of an employee benefit plan pursuant to the authority of section 504(a) of the Employee Retirement Income Security Act of 1974 (ERISA). The conditions of the exemption include certain notice and disclosure requirements that are intended to protect the interests of plan participants and beneficiaries. The ICR also provides the Department of Labor (DOL) with the necessary information to ensure that the plan is in compliance with the conditions of the exemption. Without the disclosure requirement, the DOL, which may only grant an exemption if it can find that participants and beneficiaries are protected, would be unable to effectively enforce the terms of the class exemption and ensure user compliance.

Type of Review: Extension of a currently approved collection.

Agency: Pension and Welfare Benefits Administration (PWBA).

Title: Prohibited Transaction Class Exemption 96–62; Accelerated Approval of an Otherwise Prohibited Transaction.

OMB Number: 1210–0098.

Affected Public: Business or other for-profit; Individuals or households; and Not-for-profit institutions.

Frequency; On occasion.

Number of Respondents: 42.

Number of Annual Responses: 42.

Estimated Time Per Response: 1.5 minutes.

Total Burden Hours: 53.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $37,884.

Description: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) provides that the Secretary of Labor may grant exemptions from the prohibited transaction provisions of sections 406 and 407(a) of ERISA, and directs the Secretary to establish an exemption procedure with respect to such provisions. On July 31, 1996, the Department published Prohibited Transaction Exemption 96–62 which, pursuant to the exemption procedure set forth in 29 CFR part 2570, subpart B, permits a plan to seek approval on an accelerated basis of otherwise prohibited transactions. This ICR is intended to provide the Department with sufficient information to support a finding that the exemption meets the statutory standards of section 408(a) of ERISA, and to provide affected parties with the opportunity to comment on the proposed transaction, while at the same time reducing the regulatory burden associated with processing individual exemptions for transactions prohibited under ERISA.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–23313 Filed 9–18–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 7, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail: King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of response.

Type of Review: New collection.

Agency: Employment and Training Administration (ETA).

Title: Reporting and Performance Standards System for Migrant and Seasonal Farmworker Youth Programs Under Title I–D, section 167 of the Workforce Investment Act (WIA).

OMB Number: 1205–0NEW.

Affected Public: Not-for-profit institutions.

Type of Response: Recordkeeping and Reporting.

Total Annualized Capital/Startup Costs: $0.

Total Annual Operation and Maintenance Cost: $0.

Reporting and recordkeeping requirements	Number of respondents	Frequency	Number of annual responses	Estimated time per response (hours)	Burden hours
Plan Narrative	10	Annually	10	5	50
Data Record	10	On occasion	5,000	3	15,000
Report from Data Record	10	Quarterly	10	2	20
Form ETA 9096, Budget Information Summary	10	Annually	10	15	150
Form ETA 9097, Program Planning Summary	10	Annually	10	15	150
Form ETA 9098, Program Status Summary	10	Quarterly	40	7	280
Totals:			5,080		15,650

Description: Section 185 of the Workforce Investment Act (WIA) (Pub. L. 105–220) requires funds recipients to keep records and submit such reports as may be required by the Secretary of Labor ''to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.'' The WIA Final Rules at 20 CFR 667.300 require annual plans and quarterly performance reports from all ''direct grant recipients''.

This will be a new data collection, per WIA requirements. The primary uses of the data under WIA 167 Migrant and Seasonal Farmworker Youth Program will also be to provide material reports to the Secretary of Labor, respond to Congressional inquiries, support Congressional testimony on behalf of the program and to identify areas of technical assistance need and performance improvement. Data is also used to establish performance standards for each of the required performance measures per regulations at Part 669, Subpart D, §§ 669.500 and 669.510.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–23314 Filed 9–18–01; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–112)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Six D, Inc., of Honolulu, HI has applied for an exclusive license to practice the inventions disclosed in U.S. Patent Nos. 5,426,512 and 5,629,780 both entitled ''Image Data Compression Having Minimum Perceptual Error'' (DCTune) which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Ames Research Center.

DATES: Responses to this notice must be received by October 4, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Padilla, Patent Counsel, NASA Ames Research Center, Mail Stop 202A–3, Moffett Field, CA 94035–1000, telephone (650) 604–5104.

Dated: September 13, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–23346 Filed 9–18–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before November 5, 2001. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@nara.gov. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Michael Miller, Director, Modern Records Programs (NWM), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1-AU–00–42, 8 items, 8 temporary items). Short-term records relating to committees, review boards, the Army Band, and historical activities. Included are such records as committee management files, records of the Civilian-contractual Service Review Board and the Army Discharge Review Board, files relating to band technical inspections, musical compositions, and notes, copies of documents, drafts, and other records accumulated by agency historians. Also included are electronic copies of documents created using electronic mail and word processing. This schedule allows the agency to expedite disposal of these records, which were previously approved for disposal. It also authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

2. Department of Justice, Office of Intergovern-mental Affairs (N1–60–01–3, 4 items, 4 temporary items). Subject files, records relating to short-term issues, and records pertaining to event-planning and services provided other offices and the White House. Also included are electronic copies of

documents created using electronic mail and word processing.

3. Department of Justice, Bureau of Prisons (N1–129–01–13, 5 items, 5 temporary items). Records of the Inmate Systems Branch. Included are such records as chrono-logical files, case files and other records relating to inmates seeking credit for time served in foreign jails, congressional correspondence, and policy working files. Also included are electronic copies of documents created using electronic mail and word processing.

4. Department of Justice, Bureau of Prisons (N1–129–01–14, 8 items, 6 temporary items). Records of the Religious Services Branch. Included are such records as correspondence with advocacy groups, chronological files, subject files, and files relating to new chaplains' training. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of annual reports and newsletters.

5. Department of Justice, Bureau of Prisons (N1–129–01–15, 7 items, 7 temporary items). Records of the Correctional Programs Branch. Included are such records as drafts of congressional correspondence, notifications provided to victims and witnesses concerning changes in inmate status, reference copies of memoranda, program statement working files, and case files on inmates managed by the agency's Witness Protection Unit. Also included are electronic copies of documents created using electronic mail and word processing.

6. Department of Justice, Bureau of Prisons (N1–129–01–16, 3 items, 3 temporary items). Records of the Special Needs Offenders Coordinator Branch consisting of subject files and training files. Also included are electronic copies of documents created using electronic mail and word processing.

7. Department of Justice, Bureau of Prisons (N1–129–01–17, 13 items, 10 temporary items). Records of the Correctional Services Branch. Included are such records as incident reports, field reports, reference files, training files, subject files, disruptive group files, and intelligence incident case files. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of after action reviews and publications are proposed for permanent retention.

8. Department of Justice, Bureau of Prisons (N1–129–01–18, 5 items, 5 temporary items). Records of the Office of the Assistant Director of the Correctional Programs Division. Included are such records as division subject files, the executive assistant's program file, files relating to requests to wire an inmate for participation in a covert operation, and logs of telephone inquiries concerning specific inmates. Also included are electronic copies of documents created using electronic mail and word processing.

9. Department of State, United States Information Agency (N1–306–01–1, 29 items, 10 temporary items). Miscellaneous reports, library administration files, public comments on au pair regulations, pre-production photographic negatives, miscellaneous legal files, research files, general biographic files, aperture cards of newspaper articles, and general publications. These records were maintained in a ''historical collection'' by the now defunct United States Information Agency. Proposed for permanent retention are files relating to such matters as a study of the Fulbright Program, U.S. participation in expositions and exhibits, and the fiftieth anniversary of the Voice of America as well as such records as photographs, USIA publications, subject files, biographic files concerning USIA directors, and files accumulated by the Bureau of Programs and the Office of the General Counsel.

10. Environmental Protection Agency, Office of Inspector General (N1–412–01–9, 3 items, 3 temporary items). Investigative case files and related records including electronic copies of records created using electronic mail and word processing. Recordkeeping copies of case files relating to significant investigations were previously approved for permanent retention.

11. Environmental Protection Agency, Office of General Counsel (N1–412–01–13, 2 items, 2 temporary items). Board of Contract Appeals Case Files, including such records as legal notices, correspondence, pleadings, findings, briefs, motions, and final decisions. Also included are electronic copies of records created using electronic mail and word processing.

12. Environmental Protection Agency, Office of General Counsel (N1–412–01–14, 2 items, 2 temporary items). Case files relating to contract bid protests. Included are such records as protests, written memoranda of legal arguments, contracting officer statements, reports, and bidding documents. Also included are electronic copies of records created using electronic mail and word processing.

13. Social Security Administration, Agency-wide (N1–47–01–1, 6 items, 6 temporary items). Master files, inputs, outputs, and back-up files for an electronic system used to improve customer service in all programs by managing employee suggestions. Also included are electronic copies of records created using electronic mail and word processing.

14. Tennessee Valley Authority, Division of Research (N1–142–01–6, 4 items, 4 temporary items). Analytical reports relating to chemical and chemical engineering research. Included are x-ray, spectrographic, petrographic, and corrosion investigations for long-term research projects. Also included are electronic copies of documents created using electronic mail and word processing. This job increases the retention period for recordkeeping copies of reports relating to Department of Defense projects, which were previously approved for disposal.

Dated: September 10, 2001.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 01–23306 Filed 9–18–01; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and Request for Comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by November 19, 2001 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR ADDITIONAL INFORMATION OR COMMENTS CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 306–7556; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through

Friday. You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection: Outcomes and Impacts of The NSF Minority Postdoctoral Research Fellowships (MPRF) Program.

OMB Number: 3145–NEW.

Expiration Date of Approval: Not applicable.

Type of Request: Notice of Intent to Seek Approval to Establish an Information Collection.

Abstract: ''Outcomes and Impacts of The NSF Minority Postdoctoral Research Fellowships (MPRF) Program''.

Proposed Project: The National Science Foundation (NSF), through its Minority Postdoctoral Research Fellowships (MPRF) Program within the Directorates of Biosciences and Social and Behavioral Sciences, manages a program, established in 1990 that is designed to prepare minority scientists for positions of scientific leadership in academia, government, and industry. To achieve this, funding is provided through the Program to enable new PhDs in BIO and SBE fields from under represented minority groups to have an opportunity to start their career by conducting fully funded independent research for several years. Approximately 12 fellowships are funded each year.

The purpose of the proposed study is to examine the results of the Program in the form of the awardees' career outcomes.

Use of the Information: The information will be used by NSF to understand the extent to which this program assists awardees in beginning their research careers.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Individuals.

Estimated Number of Responses per Form: 157.

Estimated Total Annual Burden on Respondents: 78.5 hours—157 respondents at ½ hour per response.

Frequency of Responses: One time.

Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: September 13, 2001.

Suzanne H. Plimpton,

Reports Clearance Officer.

[FR Doc. 01–23282 Filed 9–18–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating Licenses Nos. DPR–29 and DPR–30, issued to Exelon Generation Company, LLC (the licensee), formerly Commonwealth Edison Company, for operation of the Quad Cities Nuclear Power Station, Units 1 and 2, (Quad Cities) located in Rock Island County, Illinois. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would, in part, add the Siemens Power Corporation RODEX2A methodology to the Quad Cities Technical Specification (TS) 6.5.6, ''Core Operating Limits Report,'' list of approved methodologies that may be used to determine core operating limits. The proposed action also adds a related condition to the Quad Cities licenses to limit the maximum rod average burnup to 60 gigawatt-days per metric ton of uranium (GWD/MTU). Adding the RODEX2A methodology to the TSs will permit the use of extended fuel burnup limits. RODEX2A supports maximum rod average burnups to 62 GWD/MTU and uranium-235 (U–235) enrichments up to 5 percent by weight. However, the license condition will limit burnup to 60 GWD/MTU until the completion of an NRC Environmental Assessment supporting increased limits.

The proposed action is in accordance with the licensee's application for amendment dated September 29, 2000, as supplemented by letters dated March 1, 2001, August 13, and August 27, 2001.

The Need for the Proposed Action

The proposed action is needed in order for the licensee to have the flexibility to use fuel with increased burnup. The changes in operating parameters and limits will allow longer operating cycles and result in fewer fuel assemblies being needed.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that, although the extended burnup may slightly change the mix of radionuclides that might be released in the event of an accident, there are no significant adverse environmental impacts associated with the proposed action.

The staff published ''Extended Burnup Fuel Use in Commercial LWR's; Environmental Assessment and Finding of No Significant Impact'' on February 29, 1988 (53 FR 6040). This generic environmental assessment of extended fuel burnup in light water reactors found that ''no significant adverse effects will be generated by increasing the present batch-average burnup level of 33 GWD/MTU to 50 GWD/MTU or above as long as the maximum rod average burnup level of any fuel rod is no greater than 60 GWD/MTU.'' In addition, the environmental impacts of transportation resulting from the use of higher enrichment fuel and extended irradiation were published and discussed in the staff assessment entitled, ''NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation,'' dated July 7, 1988. That assessment was published in connection with an Environmental Assessment related to the Sheron Harris Nuclear Plant, Unit 1, which was published in the **Federal Register** on August 11, 1988 (53 FR 30355), as corrected on August 24, 1988 (53 FR 32322). In these assessments, collectively, the staff concluded that the environmental impacts summarized in Table S–3 of 10 CFR 51.51 and in Table S–4 of 10 CFR 51.52 for a burnup level of 33 GWD/MTU and enrichments up to 4 weight percent U–235 are conservative and bound the corresponding impacts for burnup levels up to 60 GWD/MTU and enrichments up to 5 weight percent U–235. These findings are applicable to the proposed action at Quad Cities which will limit burnup to 60 GWD/MTU and allow enrichments up to 5 weight percent U–235.

The proposed action will not significantly increase the probability or consequences of accidents, no significant changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for Quad Cities, dated September 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on August 14, 2001, the staff consulted with the Illinois State official, Frank Niziolek of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letters dated September 29, 2000, as supplemented by letters dated March 1, 2001, August 13, and August 27, 2001. Documents may be examined, and/or copied for a fee, a the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Public Electronic Reading Room). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of September 2001.

For the Nuclear Regulatory Commission.

Anthony J. Mendiola,

Chief, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–23335 Filed 9–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on October 29, 2001. The meeting will take place at the address provided below. All sessions of the meeting will be open to the public with the exception of the first session, which will be closed to provide ethics training for ACMUI members. Topics of discussion in the public session will include: (1) Status of the new 10 CFR part 35, Medical Use of Byproduct Material; (2) Recognition of Certification Boards; (3) Medical Physicist Qualification Criteria; (4) Intravascular Brachytherapy; and (5) Regulation of Occupational Radiation Doses involving both NRC-regulated Material and Fluoroscopy.

DATES: The public meeting will be held on Monday, October 29, 2001, from 9 a.m. to 4:30 p.m. The closed session will be held from 8 a.m. to 8:45 a.m.

ADDRESSES: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Conference Room T2B3, 11545 Rockville Pike, Rockville, MD 20852–2738.

FOR FURTHER INFORMATION CONTACT: Angela R. Williamson, telephone (301) 415–5030; e-mail arw@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Conduct of the Meeting

Manuel D. Cerqueira, M.D., will chair the meeting. Dr. Cerqueira will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Angela Williamson, U.S. Nuclear Regulatory Commission, Two White Flint North, Mail Stop T8F5, 11545 Rockville Pike, Rockville, MD 20852–2738. Submittals must be postmarked by October 22, 2001, and must pertain to the topics on the agenda for the meeting.

2. Questions from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection on NRC's web site (*www.nrc.gov*) and at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852–2738, telephone (800) 397–4209, on or about December 3, 2001. Minutes of the meeting will be available on or about January 7, 2002.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* part 7.

Dated: September 13, 2001.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 01–23332 Filed 9–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on October 3, 2001, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel

rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows: *Wednesday, October 3, 2001—10:00 a.m. until the conclusion of business.*

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Howard J. Larson (telephone: 301/415–6805) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: September 12, 2001.

Howard J. Larson,

Special Assistant.

[FR Doc. 01–23333 Filed 9–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on September 26–27, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss General Electric (GE) Nuclear Energy proprietary information per 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows: *Wednesday, September 26, 2001—1:00 p.m. until the conclusion of business, Thursday, September 27, 2001—8:30 a.m. until the conclusion of business.*

The Subcommittee will review the license amendment request of the Nuclear Management Company, LLC, for a core power uprate for the Duane Arnold Energy Center. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Nuclear Management Company, LLC, GE Nuclear Energy, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 4:30 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: September 12, 2001.

Howard J. Larson,

Special Assistant.

[FR Doc. 01–23334 Filed 9–18–01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

(**Note:** The publication date for this notice will change from every other Wednesday to every other Tuesday, effective January 8, 2002. The notice will contain the same information and will continue to be published biweekly.)

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 27, 2001 through September 7, 2001. The last biweekly notice was published on September 5, 2001 (66 FR 46473).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By October 19, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be

granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Assess and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document room (PDR) Reference staff at 1–800–397–4209, 304–415–4737 or by email to pdr@nrc.gov.

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 23, 2001.

Description of amendment request: As a follow-up response to a commitment identified in the Nuclear Regulatory Commission (NRC) staff letter dated December 22, 2000, ''Completion of Licensing Action for Generic Letter (GL) 96–06, Assurance of Equipment Operability and Containment Integrity During Design-Basis Accident Conditions,'' Entergy Operations Inc., (Entergy, the licensee) has proposed to revise their Waterford Steam Electric Station, Unit 3 (Waterford 3) Final Safety Analysis Report (FSAR) to resolve the ten containment penetrations susceptible to thermally induces overpressurization through an evaluation, detailed analysis, or installation of physical modifications prior to startup from the spring 2002 refueling outage. Entergy determined a change to Waterford 3's license basis, through procedural controls, risk analysis, and engineering analysis, for seven penetrations, as discussed in this license basis change request. Permanent resolution to the GL 96–06 issues for the remaining three penetrations could be satisfied through the installation of physical modifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed FSAR change reflects the use of administrative procedural controls to ensure these seven containment penetrations (two 4-inch diameter Steam Generator Blowdown penetrations and five-½ inch diameter Process Sampling penetrations) contain fluid at temperatures representative of Reactor Coolant, and the very low probability for overpressurization failure of containment penetrations during Mode 4 plant operation as a permanent solution to the GL 96–06 issue. The engineering analysis determined these seven containment penetrations met the acceptance criteria for allowed stresses contained in ASME [American Society of Mechanical Engineers] Section III Code, [Boiler and Pressure Vessel Code] Appendix F 1995. The result of the risk analysis is such that the very small change in LERF (Large Early Release Frequency], on the order of 1×10^{-9} per reactor year, remained well below the 1×10^{-7} ΔLERF guideline for a small change given in Regulatory Guide 1.174. The negligible reduction in LERF that would be achieved by adding thermal relief valve overpressure protection is not risk significant and is too small to justify the addition of the relief valves.

With respect to the probability or the consequences of an accident previously evaluated in the FSAR, the proposed deviation to the existing ASME Section III Code, Class 2 design provisions and operating requirements for the seven containment penetrations would not significantly increase the probability of an accident since the administrative procedural controls are being provided to: (1) minimize penetration heat-up and over-pressurization during a small window of vulnerability, approximately 1% per year of Mode 4 plant operation; and (2) minimize process fluid cooldown during normal plant operation by closing the containment isolation valves for the five sample penetrations when process fluid samples are obtained and the laboratory sample valves downstream of the CIV [containment isolation valves] are closed or flow through the penetration is stopped. Also the results of engineering analyses showed that the containment penetrations may exceed ASME Section III, Subsection NC 3500 Code required yield stresses and experience plastic deformation, but would not catastrophically fail; therefore, the penetrations would retain their ability to perform their safety function and maintain containment integrity.

On this basis, the proposed changes are not considered to constitute a significant increase in the probability or consequences of an accident due to:

- Administrative controls to minimize penetration heat-up and over-pressurization during the small window of vulnerability
- The seven containment penetrations retaining their ability to perform their safety function and maintaining containment integrity in accordance with engineering analyses performed that met acceptance criteria for allowed stresses contained in ASME Section III Code, Appendix F 1995, and
- The low risk significance of overpressurization failure of the seven containment penetrations during a DBA [Design Basis Accident] while the plant is in Mode 4.

The proposed changes will not significantly affect the results of any accident previously evaluated. The accident mitigation features of the plant are not significantly affected by these proposed changes. The proposed changes do not add or modify any existing equipment.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The change proposes a deviation to the existing ASME, Section III, Class 2 license basis requirements for portions of the Steam Generator Blowdown System, Primary Sampling System, and Secondary Sampling System that penetrate the containment as a permanent solution to the GL 96–06 issues. This change involves recognition of the acceptability of administrative procedural controls to minimize penetration heat-up and over-pressurization during the small window of vulnerability, approximately 1% per year for Mode 4 plant operation. Added assurance is provided through the engineering analysis performed on these penetrations that determined allowable stresses did not exceed the ASME Section III Code, Appendix F 1995 pipe stress values. Therefore, the change would not contribute to the possibility of, or be the initiator for any new or different kind of accident.

The proposed change does not alter the configuration of the plant. There has been no physical change to plant systems, structures, or components.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The proposed change does not involve a significant reduction in margin of safety. The existing licensing basis for Waterford 3, with respect to the ASME Section III, Subsection NC–3621.2 provisions for portions of the Steam Generator Blowdown System, Primary Sampling System, and Secondary Sampling System that penetrate the containment, is to ensure piping that has the potential to experience pressurization due to trapped fluid expansion shall be designed to withstand the increased pressure or have provisions for relieving the excess pressure piping. With the acceptance of this proposed deviation to the license basis, it will be recognized that the seven containment penetrations have administrative procedural controls to minimize penetration heat-up and over-pressurization during the small window of vulnerability, approximately 1% per year for Mode 4 plant operation. Added assurance is also provided through the engineering analysis performed on these penetrations that

determined stresses did not exceed the ASME Section III Code, Appendix F 1995 pipe stress values and predicted the penetration piping would experience plastic deformation, but would not catastrophically fail. Therefore, the penetrations would retain their ability to perform their safety function and maintain containment integrity. This deviation to license basis requirements for these seven containment penetrations is not considered to constitute a significant decrease in the margin of safety.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N. S. Reynolds, Esquire, Winston & Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of amendment request: August 13, 2001.

Description of amendment request: The proposed amendments delete requirements from the Technical Specifications (TSs) to maintain a Post-Accident Sampling System (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the TSs for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 11, 2000 (65 FR 49271) on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on October 31, 2000 (65 FR 65018). The licensee affirmed the applicability of the following NSHC determination in its application dated August 13, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post-accident situations and were put into place as a result of the TMI–2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI–2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI–2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from TS (and other elements of the licensing bases) does not involve a significant increase in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post-accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI–2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mary O'Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Timothy G. Colburn, Acting.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: August 22, 2001.

Description of amendment request: Florida Power and Light Company (FPL) requests to amend Facility Operating Licenses DPR–67 for St. Lucie Unit I and NPF–16 for St. Lucie Unit 2 by revising Technical Specifications (TS) relating to positive reactivity additions while in shutdown modes. The proposed changes clarify TS involving positive reactivity additions to the shutdown reactor, and would allow small, controlled, safe insertions of positive reactivity while in shutdown modes. The proposed changes conform closely to an NRC approved generic change for Standard Technical Specifications, known as TSTF–286 Rev. 2, which revises most actions requiring ''Suspend operations involving positive reactivity additions'' to allow minimum reactivity additions due to temperature fluctuations or operations, which are necessary to maintain fluid inventory within the required shutdown margin or refueling boron concentration, as applicable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS changes revise actions that either require suspension of operations involving positive reactivity additions or preclude reduction in boron concentration less than the reactor coolant system (RCS). Reactivity excursions are analyzed events. The proposed changes limit positive reactivity additions into the RCS such that the required shutdown margin (SDM) or refueling boron concentration continue to be met. Reactivity changes performed during shutdown modes are currently governed by strict administrative controls. Although the proposed changes will allow procedural flexibility with regards to RCS temperature and boron concentration, these operations will still be under administrative control. The changes proposed by these amendments are within the scope and assumptions of the existing analyses. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS revisions relate to positive reactivity additions while in shutdown modes of operation. Reactivity excursions are analyzed events. The operational flexibility allowed in these proposed license amendments will be performed under strict administrative controls in order to limit the potential for excess positive reactivity addition. Although the existing procedural controls will need modification, no new or different operational failure modes would be introduced by these changes.

Additionally, implementation of these proposed changes do not require any physical plant modifications, so no new or different hardware related failure modes are introduced. The changes proposed by these amendments are within the scope and assumptions of the existing analyses. Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The proposed changes conform closely to the industry and NRC approved TSTF–286, Rev. 2 and relate to small, controlled, safe insertions of positive reactivity additions while in shutdown modes. These changes revise actions that either require suspension of operations involving positive reactivity additions, or prohibit RCS boron concentration reduction. The proposed changes provide operational flexibility while controlling positive reactivity additions in order to preserve the required SDM or refueling boron concentration. The proposed changes to provide for continued safe reactor operations, while also limiting any potential for excess positive reactivity addition. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Florida Power and Light Company, Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: June 22, 2001, as supplemented August 24, 2001.

Description of amendment request: The proposed amendment would revise the St. Lucie Unit 2 Technical Specification (TS) 3.9.4, Containment Penetrations. TS 3.9.4.a. requires that the containment equipment door be closed during core alterations or movement of irradiated fuel within containment. TS 3.9.4.b. requires a minimum of one door in each airlock to be closed during core alterations or movement of irradiated fuel within containment. The proposed change to TS 3.9.4.a. would allow the containment equipment door to be open during core alterations and movement of irradiated fuel in containment provided: (a) The equipment door is capable of being closed with four bolts within 30 minutes, (b) the plant is in MODE 6 with at least 23 feet of water above the reactor pressure vessel flange, and (c) a designated crew is available at the equipment door to close the door. The capability to close the containment equipment door includes the requirements that the door is capable of being closed and that any cables or hoses across the equipment door have quick-disconnects to ensure the door is capable of being closed in a timely manner. The proposed change to TS 3.9.4.b would allow both doors of each containment airlock to be open during core alterations and movement of irradiated fuel in containment provided: (a) At least one door of each open containment airlock is capable of being closed, (b) the plant is in MODE 6 with at least 23 feet of water above the reactor pressure vessel flange, and (c) a designated individual is available outside each open containment airlock to close the door. The capability to close the containment airlock door includes the requirement that the door is capable of being closed and that any cables or hoses across the airlock door have quick-disconnects to ensure the door is capable of being closed in a timely manner.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to TS 3.9.4 would allow the containment equipment door and both doors of each containment airlock to be open during fuel movement or core alterations. Currently, the equipment door is closed with four (4) bolts and a single door on each containment airlock is closed during fuel movement or core alterations to prevent the escape of radioactive material in the

event of an in-containment fuel handling accident. Neither the containment equipment door nor either of the containment airlock doors is an initiator of an accident. Whether the containment equipment door or both doors of the containment air locks are open or closed during fuel movement and core alterations has no affect on the probability of any accident previously evaluated. Allowing the containment equipment door and the containment airlock doors to be open during fuel movement or core alterations does not significantly increase the consequences from a fuel handling accident. The calculated offsite doses are well within the limits of 10 CFR part 100. In addition, the calculated doses are larger than the expected doses because the calculation does not incorporate the closing of the containment equipment door or the containment airlock doors after the containment is evacuated, which would be much less than the two hours assumed in the analysis. The proposed change would significantly reduce the dose to workers in containment in the event of a fuel handling accident by reducing the time required to evacuate the containment. The changes being proposed do not affect assumptions contained in other plant safety analyses or the physical design of the plant, nor do they affect other Technical Specifications that preserve safety analysis assumptions. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously analyzed.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to Technical Specification 3.9.4, ''Containment Building Penetrations,'' affects a previously evaluated fuel handling accident. The new Fuel Handling Accident Analysis assumes that all of the iodine and noble gases that become airborne escape and reach the exclusion boundary and low population zone with no credit taken for filtration, the containment building barrier or for decay or deposition. Since the proposed change does not involve the addition or modification of equipment nor does it alter the design of plant systems and the revised analysis is consistent with the Fuel Handling Accident Analysis, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The margin of safety as defined by 10 CFR part 100 has not been significantly reduced. The calculated dose is well within the limits given in 10 CFR part 100 or NUREG 0800. The proposed change does not alter the bases for assurance that safety-related activities are performed correctly or the basis for any Technical Specification that is related to the establishment of or maintenance of a safety margin. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: February 28, 2001.

Description of amendment request: The proposed amendment to the Cooper Nuclear Station (CNS) Operating License DPR–46 would revise the design basis accidents (DBA) radiological assessment methodology for offsite and control room radiological doses, and the associated supporting Technical Specifications (TS).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revisions to the CNS DBA radiological assessment methodology for offsite and control room doses, and the associated supporting TS changes, do not involve initiators or precursors of accidents previously evaluated. Furthermore, these changes do not affect the design, function, or modes of operation of systems, structures, or components within the facility. Therefore, the proposed radiological assessment calculational methodology revisions and TS changes do not involve a significant increase in the probability of an accident previously evaluated in the Updated Safety Analysis Report (USAR).

The proposed revisions to the CNS DBA radiological assessment methodology for offsite and control room doses, and the associated supporting TS changes, do not affect the design, function or modes of operation of systems, structures or components in the facility. The calculation revisions utilize conservatively lower accident mitigation system filter efficiency assumptions and incorporate plant specific accident mitigation system operating parameter and design assumptions. Due to the changes in the calculational methodology and assumptions, and an increase in the postulated accident source term, the calculated radiological dose consequences of each DBA have changed and in some cases increased. In each case, however, the calculated radiological dose consequences are within the exclusion area boundary (EAB) and low population zone (LPZ) radiological dose acceptance criteria specified in 10 CFR part 100 and the control room dose acceptance criteria discussed in General Design Criterion (GDC) 19 of 10 CFR part 50, Appendix A. Therefore, the proposed revisions to the radiological assessment methodology, and associated TS changes, do not involve a significant increase in the consequences of an accident previously evaluated in the USAR.

2. Does not create the possibility for a new or different kind of accident from any accident previously evaluated.

The proposed revisions to the CNS DBA radiological assessment methodology for offsite and control room doses, and the associated supporting TS changes, do not affect the design, function or mode of operation of systems, structures or components in the facility such that new equipment failure modes are created. No new or different type of plant equipment is installed by the revised radiological assessment calculational methodology or changes to the TS. Neither the calculations nor the TS changes introduce changes to existing design parameters governing normal plant operation or new plant operating modes. No new types of accident initiators or precursors are created by the proposed revisions. Therefore, the proposed revisions to radiological assessment methodology and the proposed changes to the TS do not create the possibility of a new or different kind of accident previously evaluated in the USAR.

3. Does not create a significant reduction in the margin of safety.

The proposed revisions to the CNS DBA radiological assessment methodology for offsite and control room doses, and the associated supporting TS changes, do not affect the design, function or mode of operation of systems, structures or components in the facility. These proposed TS changes are consistent with the criteria of 10 CFR 50.36(c)(2)(ii) for TS content.

The proposed revisions will not result in any challenges to plant equipment, fuel integrity, or the reactor coolant system pressure boundary. Due to the changes in the calculational methodology and assumptions, and an increase in the postulated accident source term, the calculated radiological dose consequences of each design basis accident have changed and in some cases increased. In each case, however, the calculated radiological dose consequences are within the EAB and LPZ radiological dose acceptance criteria specified in 10 CFR part 100 and the control room dose acceptance criteria discussed in GDC 19 of 10 CFR part 50, Appendix A. Therefore, the proposed revisions to the radiological assessment methodology, and associated TS changes, do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Robert A. Gramm.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: April 12, 2001.

Description of amendment request: The proposed amendment would change the Cooper Nuclear Station (CNS) Technical Specification (TS) 5.5.10.b.2 to replace the phrase, ''A change to the updated FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59'' with the phrase ''A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change deletes the reference to unreviewed safety question as defined in 10 CFR 50.59. Deletion of the definition of unreviewed safety question was approved by the NRC with the revisions to 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in the margin of safety?

The proposed change will not reduce the margin of safety because it has no direct effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in revised 10 CFR 50.59 (c)(2) will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature as discussed by the NRC in FR (Volume 64, Number 191, Pages 53582–53617) dated October 4, 1999, docketing the change to 10 CFR 50.59. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Robert A. Gramm.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: April, 12, 2001.

Description of amendment request: The amendment request would modify the Cooper Nuclear Station (CNS) Technical Specifications Surveillance Requirement (SR) 3.6.1.3.8 to relax the SR frequency by allowing a representative sample of Excess Flow Check Valves (EFCVs) to be tested every 18 months, such that each EFCV will be tested once every 10 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The current SR frequency requires each reactor instrumentation line EFCV to be tested every 18 months. The EFCVs at CNS are designed to close automatically in the event of a line break downstream of the valve. This proposed change allows a reduced number of EFCVs to be tested every 18 months. Industry operating experience, documented in BWR [Boiling Water Reactor] Owners' Group Topical Report NEDO–32977-A [''Excess Flow Check Valve Testing Relaxation,'' dated June 2000], concludes that a change in surveillance test frequency has a minimal impact on the reliability for these valves. A failure of an EFCV to isolate cannot initiate previously evaluated accidents. Furthermore, neither the EFCV actuation test, nor the frequency of testing is considered an initiator of any analyzed event. Therefore, there is no increase in the probability of occurrence of an accident as a result of this proposed change.

The consequences of a previously analyzed event are dependent on the initial conditions assumed for the analysis, and the availability and successful functioning of the equipment assumed to operate in response to the analyzed event, and the setpoints at which these actions are initiated. This change does not affect the performance of any credited equipment. The installed restricting orifice on each associated instrument line provides assurance that any instrument line break will limit offsite doses to substantially below 10 CFR part 100 values. Neither the EFCV actuation test, nor the frequency of testing is an analysis assumption. Therefore, there is no increase in the previously evaluated consequences of the rupture of an instrument line and there is no potential increase in the radiological consequences of an accident previously evaluated as a result of this change.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

This proposed change allows a reduced number of EFCVs to be tested each operating cycle. No other changes in requirements are being proposed. Industry operating experience as documented in [BWR Owners' Group Topical Report NEDO–32977–A] provides supporting evidence that the reduced testing frequency will not affect the high reliability of these valves. The potential failure of an EFCV to isolate as a result of the proposed reduction in test frequency is bounded by the previous evaluation of an instrument line pipe break. This change will not physically alter the plant (no new or different type of equipment will be installed). This change will not alter the operation of process variables, structures, systems, or components as described in the safety analysis. Thus, a new or different kind of accident will not be created.

3. Does this change involve a significant reduction in a margin of safety?

The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. EFCV design, operation, and flow actuation criteria remain unaffected by this change. Restricting orifices for each associated instrument line remains available to mitigate an instrument line break. The proposed change, which impacts the frequency of testing EFCVs is acceptable because the tests continue to require appropriate confirmation of the assumed function of the system (and thereby assure continued operability), and has been shown to reflect an acceptable frequency for detecting failures. There is no detrimental impact on any other equipment design parameter, and the plant will still be required to operate within prescribed limits. Therefore, the change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Robert A. Gramm.

North Atlantic Energy Service Corporation, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: August 9, 2001.

Description of amendment request: The amendment would change the Seabrook Station Technical Specifications (TSs) Index, TS 3/4.9.3 (''Decay Time''), TS 3/4.9.4 (''Containment Building Penetrations''), and TS 3/4.9.9 (''Containment Purge And Exhaust Isolation System''). The amendment would also change Bases 3/4.9.3, Bases 3/4.9.4, and Bases 3/4.9.9 for consistency with the proposed TS changes. These changes are consistent with the improved Standard Technical Specifications (STS) for Westinghouse plants.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to TS Index, TS 3/4.9.3, TS 3/4.9.4, and TS 3/4.9.9 do not adversely affect accident initiators or precursors nor do they adversely alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. In addition, the proposed changes do not adversely affect the manner in which the plant responds in normal operation, transient or accident conditions nor do they change any of the procedures related to operation of the plant. Though a portion of the proposed change to TS 3/4.9.4 appears to be a relaxation to the current licensing basis, North Atlantic has incorporated administrative conservatism into TS 3/4.9.4 to assure the proposed changes, in conjunction with other TS required surveillance testing, do not alter or prevent the ability of structures, systems and components (SSCs), in particular the Containment Purge and Exhaust Isolation System, to perform its intended function to mitigate the consequences of an initiating event within the acceptance limits assumed in the Updated Final Safety Analysis Report (UFSAR).

The proposed changes do not adversely affect the source term, containment isolation or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated in the Seabrook Station UFSAR. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, it is concluded that these proposed revisions to TS Index, TS 3/4.9.3, TS 3/4.9.4, and TS 3/4.9.9 do not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

This proposed changes to TS Index, TS 3/4.9.3, TS 3/4.9.4, and TS 3/4.9.9 do not adversely affect the operation nor do they change the design basis of any plant system or component during normal or accident conditions. The proposed changes do not include any physical changes to the plant. In addition, the proposed changes do not adversely affect the function or operation of plant equipment or introduce any new failure mechanisms such that the design basis is adversely affected. The current licensing basis allows penetration isolation by manual or automatic means. The plant equipment will continue to respond per the design and analyses and there will not be a malfunction of a new or different type introduced by the proposed changes that creates the possibility of a new or different kind of accident.

The proposed changes do not modify the facility nor do they adversely affect the plant's response to normal, transient or accident conditions. The changes do not introduce a new mode of plant operation. While these changes may afford North Atlantic operational flexibility, the changes are an enhancement and do not affect plant safety. The plant's design and design basis are not revised and the current safety analyses remains in effect.

Thus, these proposed revisions to TS Index, TS 3/4.9.3, TS 3/4.9.4, and TS 3/4.9.9 do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in the margin of safety.

The proposed changes to TS Index, TS 3/4.9.3, TS 3/4.9.4, and TS 3/4.9.9 do not adversely affect the safety margins established through Limiting Conditions for Operation, Limiting Safety System Settings and Safety Limits as specified in the Technical Specifications nor is the plant design revised by the proposed changes. The current licensing basis allows penetration isolation by manual or automatic means.

Though a portion of the proposed change to TS 3/4.9.4 appears to be a relaxation to the current licensing basis, North Atlantic has incorporated administrative conservatism into TS 3/4.9.4 to ensure the proposed changes, in conjunction with other TS required surveillance testing, offset any potential minimal reduction in the margin of safety. North Atlantic believes that the proposed change to TS 3/4.9.4 is more conservative than that currently allowed in the improved STS, NUREG–1431, Revision 2.

Thus, it is concluded that these proposed revisions to TS Index, TS 3/4.9.3, TS 3/4.9.4, and TS 3/4.9.9 do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141–0270.

NRC Section Chief: James W. Clifford.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: August 15, 2001.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to (1) reflect the replacement of Monticello's licensed operator initial and requalification training programs with an accredited systems approach to training program and (2) relocate the existing TS requirements for procedures, records, and reviews to the operational quality assurance plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative in nature and compliance with applicable regulatory requirements will continue to be maintained. The proposed changes do not involve any change to the configuration or alter existing system relationships. In addition, the proposed changes do not alter the conditions or assumptions in any of the previous accident analyses thus, the radiological consequences previously evaluated are not adversely affected by the proposed changes.

Therefore, the probability or consequences of an accident previously evaluated are not affected by the proposed amendment.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes are administrative in nature and compliance with applicable regulatory requirements will continue to be maintained. The proposed changes do not involve any change to the configuration or method of operation of any plant equipment. Accordingly, no new failure modes have been introduced for any plant system or component important to safety nor has any new limiting single failure been identified as a result of the proposed changes. Also, there

will be no changes in types or increases in the amounts of any effluents released offsite.

Therefore, the possibility of a new or different kind of accident from any accident previously evaluated will not be created.

3. The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed changes are administrative in nature and do not involve any change in the methodology or method of operation of any plant equipment. The proposed changes do not involve any change to the configuration or alter existing system relationships. The appropriate controls to provide continued assurance of compliance to applicable regulatory requirements has been maintained.

Therefore, the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: August 31, 2001.

Description of amendment request: The proposed amendment would amend the licenses to change the required implementation date for previously issued Amendment No. 184 to Facility Operating License NPF–14 and Amendment No. 158 to Facility Operating License NPF–22. The proposed amendment would not alter any of the requirements of the Susquehanna Steam Electric Station (SSES) Unit 1 and 2 Technical Specifications (TSs). The previously issued amendments incorporate long-term power stability solution instrumentation into the SSES Unit 1 and 2 TSs. When implemented, these amendments will incorporate into the TSs the licensee's final response to GL 94–02, ''Long Term Solutions and Upgrade of Interim Operating Recommendations for Thermal-Hydraulic Instabilities in Boiling Water Reactors.'' Specifically, these amendments will, in part, add TS requirements related to the operating power range monitoring (OPRM) system. The licensee stated that recently identified deficiencies in the OPRM trip setpoint methodology, as documented in a General Electric 10 CFR part 21 report issued on June 29, 2001, have adversely affected its ability to implement the subject amendments. Therefore, the licensee requested that the required implementation date for Amendment No. 184 to License No. NPF–14 and Amendment No. 158 to License No. NPF–22 be revised to become effective no later than November 1, 2003.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment implementation date extension is administrative in nature and does not require any physical plant modifications, physically affect any plant systems or components, or entail changes in plant operation. The resulting consequences of transients and accidents will remain within the NRC approved criteria. Therefore, the proposed action does not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment implementation date extension is administrative in nature and does not require any physical plant modifications, physically affect any plant systems or components, or entail changes in plant operation. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed amendment implementation date extension is administrative in nature and does not require any physical plant modifications, physically affect any plant systems or components, nor entail changes in plant operation. Since the proposed changes do not affect the physical plant or have any impact on plant operation, the proposed changes will not jeopardize or degrade the function or operation of any plant system or component. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Section Chief: Peter Tam, Acting.

Tennessee Valley Authority (TVA), Docket Nos. 50–260 and 50–296, Browns Ferry Nuclear Plant (BFN), Units 2 and 3, Limestone County, Alabama

Date of amendment request: August 17, 2001.

Description of amendment request: The proposed amendments would revise the reactor vessel pressure-temperature (P–T) limits depicted in Technical Specification Figure 3.4.9–1 for each unit. In addition, pursuant to 10 CFR 50.12, TVA is requesting an exemption from the requirements of 10 CFR part 50, Appendix G, to allow the use of American Society of Mechanical Engineers (ASME) Code Case N–640 as a basis for these revised curves. Code Case N–640, ''Alternative Requirement Fracture Toughness for Development of P–T Limit Curves for ASME Boiler and Pressure Vessel Code Section XI, Division 1,'' permits the use of the plane strain fracture toughness (K_{Ic}) curve instead of the crack arrest fracture toughness (K_{Ia}) curve for reactor pressure vessel materials in determining the P–T limits. The exemption request is being reviewed separately.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed Units 2 and 3 change deals exclusively with the reactor vessel pressure-temperature (P–T) curves which define the permissible regions for operation and testing. Failure of the reactor vessel is not considered as a design basis accident. Through the design conservatisms used to calculate the P–T curves, reactor vessel failure has a low probability of occurrence and is not considered in the safety analyses. The proposed changes adjust the reference temperature for the limiting material to account for irradiation effects and provide the same level of protection as previously evaluated and approved. The adjusted reference temperature calculations were performed using the guidance contained in Regulatory Guide 1.99, Revision 2, and ASME Section XI Code Case N–640 to reflect use of the operating limits to 19.5 Effective Full Power Years (EFPY). These changes do not alter or prevent the operation of equipment required to mitigate any accident analyzed in the BFN Final Safety Analysis Report. Therefore, this change does not increase the probability or consequences of any previously evaluated accident.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to the Units 2 and 3 reactor vessel P–T curves does not involve a modification to plant equipment. No new failure modes are introduced. There is no effect on the function of any plant system, and no new system interactions are introduced by this change. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The proposed curves conform to the guidance contained in Regulatory Guide 1.99, Revision 2, and maintain the safety margins specified in 10 CFR 50, Appendix G. Therefore, the proposed amendment does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET l0H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Tennessee Valley Authority, Docket No. 50–390 Watts Bar Nuclear Plant, Unit 1 (WBN), Rhea County, Tennessee

Date of amendment request: August 7, 2001 (TS–01–04).

Description of amendment request: The proposed amendment would add a new condition and associated actions to the Technical Specification Limiting Condition for Operation (LCO) 3.8.1, ''AC Sources Operating,'' to allow one Diesel Generator (DG) be out of service for 14 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The emergency DGs are designed as backup AC power sources in the event of loss of offsite power. The proposed AOT [allowed outage time] does not change the conditions, operating configurations, or minimum amount of operating equipment assumed in the safety analysis for accident mitigation. No changes are proposed in the manner in which the DGs provide plant protection or which create new modes of plant operation. In addition, a Probabilistic Safety Analysis (PSA) evaluation concluded that the risk contribution of the AOT extension is non-risk significant. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not introduce any new modes of plant operation or make physical changes to plant systems. Therefore, extension of the allowable AOT for DGs does not create the possibility of a new or different accident.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The DGs are designed as backup AC power sources in the event of loss of offsite power. The proposed AOT does not change the conditions, operating configurations, or minimum amount of operating equipment assumed in the safety analysis for accident mitigation. No changes are proposed in the manner in which the DGs provide plant protection or which create new modes of plant operation. In addition, a PSA evaluation concluded that the risk contribution of the AOT extension is non-risk significant. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: August 20, 2001.

Description of amendment request: The proposed change to the Technical Specifications (TSs) would revise certain requirements associated with demonstrating the operability of alternate trains when redundant equipment is made or found to be inoperable. The TSs revised include: 4.4.B, 4.5.A.2, 4.5.A.3, 4.5.A.4, 4.5.B.2, 4.5.C.2, 4.5.C.3, 4.5.D.2, 4.5.D.3, 4.5.E.2, 4.5.F.2, 4.5.H.1, 4.7.B.3.c, 4.10.B.1, and 4.10.B.3.b.2. Some format and typographical errors are also being corrected.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Will the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Because changing surveillance test requirements does not change the probability of accident precursors, this proposed change does not affect the probability of an accident previously evaluated. Since other periodic and post-maintenance surveillance requirements ensure that the operability of systems and components is maintained, there is no significant increase in the consequences of accidents previously evaluated.

Furthermore, the removal of the additional surveillance testing from the Technical Specifications would result in a decrease in the probability of equipment failure because the excessive testing causes unnecessary wear on the safety-related equipment and unnecessary challenges to safety systems. Reduced testing may also eliminate the potential for human error associated with system alignments and misdirection of attention from monitoring and directing plant operations.

Administrative changes to the Technical Specifications do not alter any technical requirements, and as such, do not increase the probability or consequences of accidents.

Therefore, the proposed change will not increase the probability or consequences of any accident previously evaluated.

2. Will the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Reduced surveillance testing does not create new or different kinds of accidents since modes of operation are unchanged and additional accident precursors are not introduced. System operability requirements and design bases remain the same, and reactor operations are unchanged. Since system and component testing only involves the assurance of operability, reduced testing does not introduce mechanisms that may contribute to the possibility of new or different kinds of accidents.

Administrative changes to the Technical Specifications do not alter any technical requirements, and as such, do not create the possibility of new or different kinds of accidents.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will the proposed changes involve a significant reduction in a margin of safety?

The proposed change will not decrease operability requirements, nor reduce the equipment required during various plant conditions. An acceptable level of testing exists in other Technical Specification requirements to demonstrate system and component operability. There are no changes to system or component operability requirements; therefore, systems and

components will be available to provide existing margins of safety. The same systems and components with the same performance levels assumed in safety analyses will still be available to mitigate consequences of postulated accidents.

Administrative changes to the Technical Specifications do not alter any technical requirements, and as such, have no effect on margins of safety.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: March 29, 2001, as supplemented by letters dated June 27, 2001, and July 24, 2001.

Brief description of amendment: The amendment revised the reactor coolant system heatup, cooldown, and inservice leak hydrostatic test limitations for the reactor coolant system to a maximum of 29 effective full power years in accordance with Title 10 of the Code of Federal Regulations, Part 50, Appendix G. These pressure-temperature (P-T) limits are contained in TMI Unit 1 Technical Specification (TS) 3.1.2. In addition, the amendment revised the low-temperature overpressure protection (LTOP) requirements in TSs 3.1.12 and 4.5.2 to reflect the revised P-T limits. These changes will allow operation of two reactor coolant pumps in a single loop during LTOP conditions.

Date of issuance: September 6, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 234.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 25, 2001 (66 FR 38758).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 6, 2001.

No significant hazards consideration comments received: No.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Docket No. 72–8, Calvert Cliffs Independent Spent Fuel Storage Installation, Calvert County, Maryland

Date of application for amendments: November 22, 1999, as supplemented by letters dated October 4 and November 10, 2000, and May 18, 2001.

Brief description of amendments: The amendments authorize revisions to the Calvert Cliffs Nuclear Power Plant Updated Final Safety Analysis Report and Independent Spent Fuel Storage Installation Updated Safety Analysis Report to incorporate changes associated with the aircraft hazards analysis due to increased ''random'' military flights in the vicinity of these facilities. These changes constitute an unreviewed safety question as defined in 10 CFR 50.59 and 10 CFR 72.48.

Date of issuance: August 29, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 246 and 221.

Renewed Facility Operating License Nos. DPR–53 and DPR–69 and Materials License No. SNM–2502: Amendments revised licenses.

Date of initial notice in ***Federal Register:*** *December 29, 1999 (64 FR 73085).*

The supplemental letters dated October 4 and November 10, 2000, and May 18, 2001, provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated August 29, 2001.

No significant hazards consideration comments received: No.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: December 11, 2000.

Brief description of amendment: The amendment revises the Technical Specifications (TSs) to incorporate editorial revisions, clarifications, and corrections. Specifically, the amendment: (1) Provides updated information and corrections to the TS cover page, table of contents, and list of figures, (2) revises TS 4.5.E, ''Control Room Air Filtration System,'' to remove an incorrect system test description and provide consistent test values for system flow rate and filter efficiency, (3) revises TS 6.2.1.a, ''Facility Management and

Technical Support,'' to reference the Quality Assurance Program Description as the location of the documentation rather than the Updated Final Safety Analysis Report, (4) revises TS 6.9.1.7, ''Monthly Operating Report,'' to change the recipient of the Monthly Operating Report, and (5) corrects the periodicity of the Radioactive Effluent Release Report from semi-annual to annual in TS 6.15, ''Offsite Dose Calculation Manual'' and TS 6.16, ''Major Changes to Radioactive Liquid, Gaseous and Solid Waste Systems.'' In addition, the amendment revises TS Figure 5.1–1B concerning the indicated vent location associated with Indian Point Unit 3 (IP3). The labels for the IP3 plant vent and the machine shop were reversed.

Date of issuance: August 29, 2001.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 219.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** *February 21, 2001 (66 FR 11057).*

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 2001.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: April 23, 2001, as supplemented June 25, June 29, and July 19, 2001.

Brief description of amendment: The amendment revises pressure-temperature limit curves and cold overpressure protection limits.

Date of issuance: August 27, 2001.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance. August 27, 2001.

Amendment No.: 197.

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** *July 11, 2001 (66 FR 36340).*

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, PSEG Nuclear LLC, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York County, Pennsylvania

Date of application for amendments: April 3, 2001.

Brief description of amendments: The amendments revised the PBAPS Units 2 and 3 Technical Specifications (TSs) to incorporate Technical Specification Task Force (TSTF) Item 258, Revision 4. TSTFs are changes to the improved standard TS that were initiated by the nuclear power industry and submitted to the NRC staff. TSTF–258, Revision 4, revises TS Section 5.0, Administrative Controls, to delete specific TS staffing requirements for licensed Reactor Operators (ROs) and Senior Reactor Operators (SROs), relocate the working hour limits to a plant procedure, clarify requirements for the Shift Technical Advisor position, add regulatory definitions for ROs and SROs, revise the Radioactive Effluent Controls Program to be consistent with the intent of 10 CFR Part 20, and revises radiological area control requirements for high radiation areas to be consistent with 10 CFR 20.1601(c).

Date of issuance: August 30, 2001.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendments Nos.: 240 and 243.

Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** June 12, 2001 (66 FR 31708).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 30, 2001.

No significant hazards consideration comments received: No.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: March 7, 2001, as supplemented April 25, June 20, and July 16, 2001.

Brief description of amendment: The amendment revised the Improved Technical Specifications (ITS) 5.6.2.20, ''Containment Leakage Rate Testing Program'' to allow a one-time interval increase for the Type A Integrated Leakage Rate Test for no more than 5 years.

Date of issuance: August 30, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 197.

Facility Operating License No. DPR–72: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 2, 2001 (66 FR 17967). The supplemental letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 30, 2001.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit 2, Berrien County, Michigan

Date of application for amendments: September 1, 2000.

Brief description of amendments: The amendment approves changes to the Updated Final Safety Analysis Report (UFSAR) regarding the modeling of the pressurizer heater operation and spray effectiveness as they relate to certain transients that are analyzed for pressurizer overfill. Specifically, the amendment approves a change to the moderator temperature coefficient currently in the UFSAR assumed as an initial condition for the loss of all nonemergency alternating current power and loss of normal feedwater transients.

Date of issuance: August 23, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 237.

Facility Operating License No. DPR–74: Amendment revised the Updated Final Safety Analysis Report.

Date of initial notice in ***Federal Register:*** September 20, 2000 (65 FR 56953).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 23, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: January 18, 2001, as supplemented April 20, 2001.

Brief description of amendment: The amendment revises the Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TSs) 3.10.m to increase the minimum reactor coolant flow from

85,500 gallons per minute (gpm) flow per loop to 93,000 gpm flow per loop.

Date of issuance: September 5, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 157.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11062).

The April 20, 2001, supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 5, 2001.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: June 18, 2001.

Brief description of amendment: The amendment deleted items 3 and 4 from Section 5.15, ''Post-Accident Radiological Sampling and Monitoring,'' of the Fort Calhoun Station, Unit No. 1 Technical Specifications, and thereby eliminates the requirements to have and maintain the post-accident sampling system (PASS).

Date of issuance: August 29, 2001.

Effective date: August 29, 2001, and shall be implemented within 120 days from the date of issuance.

Amendment No.: 200.

Facility Operating License No. DPR–40. The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 25, 2001 (66 FR 38765).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 2001.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: April 11, 2001, as supplemented June 13, 2001.

Brief description of amendment: The amendment revises the Hope Creek Technical Specifications (TSs) to relax the frequency for testing of excess flow check valves (EFCVs). Specifically, TS surveillance requirement 4.6.3.4 has been changed to revise required testing of EFCVs from once per 18 months for all valves to a test of a representative sample each 18 months such that all valves are tested once in 10 years.

Date of issuance: August 28, 2001.

Effective date: As of the date of issuance, and shall be implemented during Refueling Outage 10, currently scheduled to commence in October 2001.

Amendment No.: 132.

Facility Operating License No. NPF–57: This amendment revised the TSs.

Date of initial notice in ***Federal Register:*** May 30, 2001 (66 FR 29361).

The June 13, 2001, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 28, 2001.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, et al., Docket Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendments: September 22, 2000.

Brief Description of amendments: These amendments revise the Facility Operating Licenses (FOLs) and the Technical Specifications (TS) to remove obsolete license conditions, make editorial changes in the FOLs, and implement associated changes to the TS and Bases.

Date of issuance: August 30, 2001.

Effective date: August 30, 2001.

Amendment Nos.: 227 and 227.

Facility Operating License Nos. DPR–32 and DPR–37: Amendments change the License and Technical Specifications.

Date of initial notice in ***Federal Register:*** November 1, 2000 (65 FR 65351).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 30, 2001.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 22, 2001.

Brief description of amendment: The amendment (1) decreases the allowable values for Function 8, pressurizer pressure-low and pressurizer pressure-high, in Table 3.3.1–1, ''Reactor Trip System Instrumentation,'' and (2) increases the allowable value for Function 1.d, pressurizer pressure-low for safety injection, in Table 3.3.2–1, ''Engineered Safety Feature Actuation System Instrumentation.''

Date of issuance: August 30, 2001.

Effective date: August 30, 2001, and shall be implemented prior to entry into Mode 3 in the restart from refueling outage 12 scheduled for the Spring 2002.

Amendment No.: 140.

Facility Operating License No. NPF–42. The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 2, 2001 (66 FR 22035).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 30, 2001.

No significant hazards consideration comments received: No.

Note: The publication date for this notice will change from every other Wednesday to every other Tuesday, effective January 8, 2002. The notice will contain the same information and will continue to be published biweekly.

Dated at Rockville, Maryland, this 10th day of September, 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–23209 Filed 9–18–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Clearance of a Revised Information Collection: SF 3106 and SF 3106A

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for clearance of a revised information collection. SF 3106, Application for Refund of Retirement Deductions/ Federal Employees Retirement System (FERS), is used by former Federal employees under FERS, to apply for a refund of retirement deductions

withheld during Federal employment, plus any interest provided by law. SF 3106A, Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS, is used by refund applicants to notify their current/former spouse(s) that they are applying for a refund of retirement deductions, which is required by law.

Comments are particularly invited on:

• whether this collection of information is necessary for the proper performance of functions of OPM, and whether it will have practical utility;

• whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

• ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection techniques or other forms of information technology.

Approximately 21,585 SF 3106, Application for Refund of Retirement Deductions, will be processed annually. The SF 3106 takes approximately 30 minutes to complete for a total of 10,793 hours annually. Approximately 17,268 of SF 3106A, Current/Former Spouse's Notification of Application for Refund of Retirement Deductions, will be processed annually. The SF 3106A takes approximately 5 minutes to complete for a total of 1,439 hours. The total annual burden is 12,232.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or E-mail to *mbtoomey@opm.gov.* Please include your mailing address with your request.

DATES: Comments on this proposal should be received on or before November 19, 2001.

ADDRESSES: Send or deliver comments to: John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 01–23300 Filed 9–18–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of a Revised Information Collection: RI 20–1

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for reclearance of a revised information collection. Annuitants who were entitled to minimum annuity before the repeal of the minimum annuity provisions on February 27, 1986, continue to be paid minimum annuity. OPM uses RI 20–1, Minimum Annuity Application, to determine if an annuitant qualifies for minimum annuity.

Approximately 50 RI 20–1 forms will be completed annually. We estimate it takes approximately 15 minutes to complete the form. The annual burden is 13 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or E-mail to *mbtoomey@opm.gov.* Please include your mailing address with your request.

DATES: Comments on this proposal should be received on or before October 19, 2001.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415–3540; and Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management

Kay Coles James,

Director.

[FR Doc. 01–23301 Filed 9–18–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reclearance of a Revised Information Collection: RI 25–14 and RI 25–14A

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for clearance of a revised information collection. RI 25–14, Self-Certification of Full-Time School Attendance For The School Year, is used to survey survivor annuitants who are between the ages of 18 and 22 to determine if they meet the requirements of Section 8341(a)(4)(C), and Section 8441, title 5, U.S. Code, to receive benefits as a student. RI 25–14A, Information and Instructions for Completing the Self-Certification of Full-Time School Attendance, provides instructions for completing the Self-Certification of Full-Time School Attendance For The School Year survey form.

Approximately 14,000 RI 25–14 forms are completed annually. We estimate it takes approximately 12 minutes to complete the form. The annual burden is 2,800 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or E-mail to mbtoomey@opm.gov. Please include a mailing address with the request.

DATES: Comments on this proposal should be received on or before October 19, 2001.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415–3540

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503,

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 01–23302 Filed 9–18–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Pam Shivery, Director, Washington Service Center, Employment Service (202) 606–1015.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 July 2, 2001 (66 FR 34964). Individual authorities established or revoked under Schedule C between June 1, 2001, and July 31, 2001, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

Schedule C

The following Schedule C authorities were established during June through July 2001:

Commission on Civil Rights

Special Assistant to the Commissioner. Effective July 23, 2001.

Commodity Futures Trading Commission

Special Assistant to the Commissioner. Effective June 4, 2001.

Department of Agriculture

Special Assistant to the Under Secretary for Natural Resources and Environment. Effective July 31, 2001.

Confidential Assistant to the Under Secretary for Rural Development. Effective July 31, 2001.

Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective July 31, 2001.

Confidential Assistant to the Under Secretary for Food, Nutrition and Consumer Services. Effective July 31, 2001.

Confidential Assistant to the Chief of Staff. Effective July 31, 2001.

Confidential Assistant to the Secretary. Effective July 31, 2001.

Confidential Assistant to the Under Secretary for Marketing and Regulatory Programs. Effective July 31, 2001.

Confidential Assistant to the Director, Office of Communications. Effective July 31, 2001.

Department of Commerce

Special Assistant to the Under Secretary for International Trade. Effective June 6, 2001.

Director of Scheduling to the Director, Office of External Affairs. Effective June 7, 2001.

Confidential Assistant to the Deputy Under Secretary for Technology. Effective July 6, 2001.

Special Assistant to the Director, Office of Policy and Strategic Planning. Effective July 6, 2001.

Special Assistant to the Chief of Staff. Effective July 31, 2001.

Department of Education

Confidential Assistant to the Director, Scheduling and Briefing Staff. Effective June 7, 2001.

Staff Assistant to the Director, Office of Public Affairs. Effective June 8, 2001.

Confidential Assistant to the Special Assistant (White House Liaison). Effective June 12, 2001.

Special Assistant to the Chief of Staff. Effective June 15, 2001.

Confidential Assistant to the Director, Office of Public Affairs. Effective June 20, 2001.

Deputy Assistant Secretary to the Assistant Secretary, Office of Legislation and Congressional Affairs. Effective June 25, 2001.

Special Assistant to the Deputy Assistant Secretary for Regional Services. Effective July 30, 2001.

Special Assistant to the Director, Faith Based and Community Initiatives Center. Effective July 30, 2001.

Confidential Assistant to the Deputy Assistant Secretary, Office of Legislative and Congressional Affairs. Effective July 30, 2001.

Department of Energy

Senior Advisor to the Secretary of Energy. Effective June 22, 2001.

Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective June 22, 2001.

Deputy Director, Scheduling and Advance to the Director, Office of Management and Administration. Effective June 22, 2001.

Special Assistant to the Director of Scheduling and Advance. Effective June 22, 2001.

Special Assistant to the Assistant Secretary for Environment, Safety and Health. Effective June 22, 2001.

Special Assistant to the Director, Office of Worker and Community Transition. Effective June 22, 2001.

Senior Policy Advisor to the Secretary of Energy. Effective July 2, 2001.

Special Assistant to the Assistant Secretary for Fossil Energy. Effective July 11, 2001.

Public Affairs Specialist to the Director, Office of Public Affairs. Effective July 31, 2001.

Department of Health and Human Services

Special Assistant to the Director, Office of Intergovernmental Affairs. Effective June 18, 2001.

Confidential Assistant (Scheduling) to the Director of Scheduling. Effective June 18, 2001.

Confidential Assistant to the Executive Secretary. Effective June 18, 2001.

Special Assistant to the Assistant Secretary for Planning and Education. Effective June 22, 2001.

Department of Housing and Urban Development

Advance Coordinator to the Director of Executive Scheduling. Effective June 25, 2001.

Department of the Interior

Special Assistant to the Assistant Secretary for Fish, Wildlife and Parks. Effective June 18, 2001.

Special Assistant to the Secretary for Alaska to the Chief of Staff. Effective June 18, 2001.

Special Assistant to the Director, Office of External Affairs. Effective June 19, 2001.

Special Assistant to the Director of Minerals Management Service. Effective June 19, 2001.

Special Assistant (Advance) to the Deputy Chief of Staff. Effective June 19, 2001.

Special Assistant to the Deputy Chief of Staff. Effective June 19, 2001.

Special Assistant to the Director, Intergovernmental Affairs. Effective June 19, 2001.

Special Assistant for Scheduling and Advance to the Deputy Chief of Staff. Effective June 19, 2001.

Associate Director for Senate Liaison to the Deputy Chief of Staff. Effective June 19, 2001.

Press Secretary to the Director of Communications. Effective June 22, 2001.

Special Assistant for Scheduling and Advance to the Deputy Chief of Staff. Effective June 25, 2001.

Special Assistant to the Director, Bureau of Land Management. Effective July 16, 2001.

Special Assistant to the Director, Bureau of Land Management. Effective July 16, 2001.

Special Assistant to the Deputy Secretary. Effective July 25, 2001.

Hispanic Media Outreach Coordinator to the Director, Office of Communications. Effective July 27, 2001.

Department of Justice

Attorney Advisor to the Assistant Attorney General, Office of Justice Programs. Effective June 6, 2001.

Assistant for Scheduling to the Attorney General. Effective June 7, 2001.

Policy Advisor to the Assistant Attorney General, Office of Policy Development. Effective June 12, 2001.

Assistant to the Attorney General. Effective June 26, 2001.

Special Assistant to the Assistant Attorney General, Criminal Division. Effective July 16, 2001.

Special Assistant to the Director, Office of Justice Assistance, Office of Justice Programs. Effective July 16, 2001.

Special Assistant to the Assistant Attorney General, Civil Rights Division. Effective July 16, 2001.

Deputy Director to the Director, Office of Public Affairs. Effective July 16, 2001.

Attorney Advisor to the Assistant Attorney General, Criminal Division. Effective July 19, 2001.

Department of Labor

Special Assistant to the Secretary of Labor. Effective June 5, 2001.

Deputy Director, Executive Secretariat to the Executive Secretary. Effective June 5, 2001.

Staff Assistant to the White House Liaison. Effective June 6, 2001.

Executive Assistant to the Director of Faith Based and Community Initiatives. Effective June 6, 2001.

Special Assistant to the Director of Scheduling. Effective June 7, 2001.

Confidential Assistant to the Executive Secretariat. Effective June 7, 2001.

Special Assistant to the Director of Faith Based and Community Initiatives. Effective June 7, 2001.

Research Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective June 7, 2001.

Research Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective June 7, 2001.

Director of Scheduling and Advance to the Secretary of Labor. Effective June 11, 2001.

Speech Writer to the Assistant Secretary for Public Affairs. Effective June 25, 2001.

Special Assistant for Scheduling to the Chief of Staff. Effective June 25, 2001.

Staff Assistant to the Secretary of Labor. Effective June 25, 2001.

Staff Assistant to the Secretary of Labor. Effective June 25, 2001.

Deputy Chief of Staff to the Chief of Staff. Effective June 25, 2001.

Special Assistant to the Deputy Secretary of Labor. Effective June 25, 2001.

Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective June 25, 2001.

Special Assistant to the Assistant Secretary for Public Affairs. Effective June 25, 2001.

Special Assistant to the Director of Scheduling and Advance. Effective June 25, 2001.

Special Assistant to the Director of Scheduling and Advance. Effective June 25, 2001.

Chief of Staff to the Assistant Secretary, Office of Congressional and Intergovernmental Affairs. Effective July 12, 2001.

Staff Assistant to the Deputy Assistant Secretary, Office of Labor-Management Standards. Effective July 19, 2001.

Special Assistant to the Assistant Secretary for Employment and Training. Effective July 31, 2001.

Staff Assistant to the Director of Scheduling. Effective July 31, 2001.

Special Assistant to the Director of 21st Century Office. Effective July 31, 2001.

Department of State

Special Assistant to the Deputy Secretary of State. Effective June 29, 2001.

Department of Transportation

Director for Scheduling and Advance to the Chief of Staff. Effective June 26, 2001.

Department of the Treasury

Director, Public Affairs to the Deputy Assistant Secretary (Public Affairs). Effective June 6, 2001.

Public Affairs Specialist to the Director, Public Affairs. Effective June 8, 2001.

Special Assistant to the Assistant Secretary, Legislative Affairs. Effective July 16, 2001.

Deputy to the Assistant Secretary, Legislative Affairs (International). Effective July 18, 2001.

Public Affairs Specialist to the Director, Public Affairs. Effective July 25, 2001.

Deputy Assistant Secretary for Legislative Affairs (Banking and Finance) to the Assistant Secretary (Legislative Affairs). Effective July 27, 2001.

Special Assistant to the Deputy Secretary. Effective July 27, 2001.

Special Assistant to the Assistant Secretary, (Legislative Affairs). Effective July 27, 2001.

Special Assistant to the Assistant Secretary (Legislative Affairs). Effective July 27, 2001.

Department of Veterans Affairs

Special Assistant to the Secretary of Veteran Affairs. Effective June 1, 2001.

Special Assistant to the Assistant Secretary for Congressional and Legislative Affairs. Effective June 1, 2001.

Special Assistant to the Dean, Veteran Affairs Learning University. Effective June 8, 2001.

Special Assistant (Fort Myers, FL) to the Special Assistant, Supervisory Regional Veterans Service Liaison Officer. Effective July 12, 2001.

Special Assistant (Providence, RI) to the Special Assistant, Supervisory Regional Veterans Service Liaison Officer. Effective July 12, 2001.

Special Assistant (Washington, DC) to the Special Assistant, Supervisor Regional Veterans Service Liaison Officer. Effective July 12, 2001.

Special Assistant, Supervisory Regional Veterans Service Liaison Officer to the Assistant Secretary for Public and Intergovernmental Affairs. Effective July 12, 2001.

Special Assistant (Des Moines, IA) to the Special Assistant, Supervisory Regional Veterans Service Liaison Officer. Effective July 16, 2001.

Special Assistant (San Diego, CA) to the Special Assistant, Supervisory Regional Veterans Service Liaison Officer. Effective July 16, 2001.

Federal Trade Commission

Director, Office of Public Affairs to the Chairman. Effective June 27, 2001.

Secretary to the Director, Bureau of Competition. Effective June 27, 2001.

General Services Administration

Senior Policy Advisor to the Administrator. Effective June 19, 2001.

Congressional Relations Officer to the Associate Administrator for Congressional and Intergovernmental Affairs. Effective June 26, 2001.

Confidential Assistant to the Administrator. Effective July 20, 2001.

Deputy Associate Administrator to the Associate Administrator for Congressional and Intergovernmental Affairs. Effective July 27, 2001.

National Aeronautics and Space Administration

Legislative Affairs Specialist to the Associate Administrator for Legislative Affairs. Effective July 23, 2001.

Occupational Safety and Health Review Commission

Confidential Assistant to a Member (Commissioner). Effective July 23, 2001.

Office of Management and Budget

Deputy to the Associate Director for Legislative Affairs (House). Effective June 22, 2001.

Executive Assistant to the Director, Office of Management and Budget. Effective June 22, 2001.

Confidential Assistant to the Executive Associate Director. Effective June 26, 2001.

Public Affairs Specialist to the Associate Director for Communications. Effective June 28, 2001.

Senior Advisor and Assistant General Council to the General Counsel. Effective July 31, 2001.

Confidential Assistant to the Associate Director for Legislative Affairs. Effective July 31, 2001.

Office of the United States Trade Representative

Director of Scheduling to the United States Trade Representative. Effective July 13, 2001.

Writer (Speechwriter) to the United States Trade Representative. Effective July 27, 2001.

United States Trade and Development Agency

Congressional Liaison Officer to the Director, Trade and Development Agency. Effective July 31, 2001.

Director of External Relations to the Director, Trade and Development Agency. Effective July 31, 2001.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P. 218

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 01–23299 Filed 9–18–01; 8:45 am]

BILLING CODE 6325–38–P

PRESIDIO TRUST

The Presidio of San Francisco, California; Rescheduled Public Hearing Regarding the Draft Presidio Trust Implementation Plan and Draft Environmental Impact Statement

AGENCY: The Presidio Trust.

ACTION: Rescheduled public hearing.

SUMMARY: Due to the national crisis on Tuesday, September 11, 2001, the Presidio Trust (Trust) cancelled on short notice the first of two public hearings regarding the draft Presidio Trust Implementation Plan (PTIP) and draft Environmental Impact Statement (EIS). The first hearing, previously scheduled for September 11, 2001 by notice of hearing published in the **Federal Register** on July 26, 2001 (66 FR 39058–59), will now be held on Tuesday, October 16, 2001, beginning at 6:00 p.m., at the Officers' Club, 50 Moraga Avenue, The Presidio of San Francisco (Presidio), California. The public meeting of the Trust's Board of Directors and second public hearing on the PTIP, noticed in the **Federal Register** on August 21, 2001 (66 FR 43921–22) and scheduled for Monday, September 17, 2001 from 1:00 p.m. to 4:00 p.m., at the Officers' Club, 50 Moraga Avenue, Presidio, will be held as planned. At these two hearings, members of the public may offer oral comment on the PTIP and the EIS that will be received for the record and responded to by the Trust when a final PTIP and EIS are issued.

FOR FURTHER INFORMATION: Contact John Pelka, NEPA Compliance Coordinator, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052. Telephone: (415) 561–5414.

Dated: September 13, 2001.

Karen A. Cook,

General Counsel.

[FR Doc. 01–23322 Filed 9–18–01; 8:45 am]

BILLING CODE 4310–4R–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44804; File No. S7–24–89]

Joint Industry Plan; Solicitation of Comments and Order Approving Request To Extend Temporary Effectiveness of Reporting Plan for Nasdaq/National Market Securities Traded on an Exchange on an Unlisted or Listed Basis, Submitted by the National Association of Securities Dealers, Inc., the Pacific Exchange, Inc. and the Boston, Chicago, Philadelphia, and Cincinnati Stock Exchanges

September 17, 2001.

I. Introduction

On September 14, 2001, the Cincinnati Stock Exchange, Inc. (''CSE'') on behalf of itself and the National Association of Securities Dealers, Inc. (''NASD''), the Boston Stock Exchange, Inc. (''BSE''), the Chicago Stock Exchange, Inc. (''CHX''), Pacific Exchange, Inc. (''PCX''), and the Philadelphia Stock Exchange, Inc. (''Phlx'') (hereinafter referred to as the ''Participants'') [1] submitted to the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposal to extend the operation of the Plan [2] for Nasdaq/National Market (''Nasdaq/NM'') securities traded on an exchange on an unlisted or listed basis.[3] The September 2001 Extension Request would extend the effectiveness of the Plan through October 19, 2001, and also would extend certain exemptive relief as described below. The September 2001 Extension Request does not seek permanent approval of the Plan because the Participants currently are negotiating certain amendments to the Plan for which they will seek approval in the future.[4]

II. Background

The Plan governs the collection, consolidation, and dissemination of quotation and transaction information for Nasdaq/NM securities listed on an exchange or traded on an exchange

[1] The CSE was elected chair of the Operating Committee for the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Exchange-Listed Nasdaq/National Market System Securities and for Nasdaq/National Market System Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''Plan'') by the Participants.

[2] *See* letter from Jeffrey T. Brown, Vice President Regulation and General Counsel, CSE, to Jonathan G. Katz, Secretary, Commission, dated September 13, 2001 (''September 2001 Extension Request''). The signatories to the Plan are the Participants for purposes of this release; however, the BSE joined the Plan as a ''limited participant'' and reports quotation information and transaction reports only in Nasdaq/National Market securities listed on the BSE. Originally, the American Stock Exchange Inc. (''Amex'') was a Participant but withdrew its participation from the Plan in August 1994.

[3] Section 12 of the Securities Exchange Act of 1934 (''Act'') generally requires an exchange to trade only those securities that the exchange lists, except that Section 12(f) of the Act permits unlisted trading privileges (''UTP'') under certain circumstances. For example, Section 12(f) of the Act, among other things, permits exchanges to trade certain securities that are traded over-the-counter (''OTC/UTP''), but only pursuant to a Commission order or rule. The present order fulfills this Section 12(f) requirement. For a more complete discussion of the Section 12(f) requirement, *see* November 1995 Extension Order, *infra* note 7.

[4] In accordance with the Commission's statements in its order approving the establishment of the Nasdaq Order Display Facility and Order Collector Facility (''SuperMontage''), the Participants represent that they are revising the Plan. *See* Securities Exchange Act Release No. 43863 (January 19, 2001), 66 FR 8020 (January 26, 2001). The Participants submitted the 12th amendment to the Plan (''Interim Plan'') on August 30, 2001.

pursuant to a grant of UTP.[5] The Commission originally approved the Plan on a pilot basis on June 26, 1990.[6] The parties did not begin trading until July 12, 1993, accordingly, the pilot period commenced on July 12, 1993. The Plan has since been in operation on an extended pilot basis.[7]

III. Description of the Plan

The Plan provides for the collection from Plan Participants, and the consolidation and dissemination to vendors, subscribers and others, of quotation and transaction information in ''eligible securities.'' [8] The Plan contains various provisions concerning its operation, including: Implementation of the Plan; Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information; Reporting Requirements (including hours of operation); Standards and Methods of Ensuring Promptness, Accuracy and Completeness of Transaction Reports; Terms and Conditions of Access; Description of Operation of Facility Contemplated by the Plan; Method and Frequency of Processor Evaluation; Written Understandings of Agreements Relating to Interpretation of, or Participation in, the Plan; Calculation of the Best Bid and Offer (''BBO''); Dispute Resolution; and Method of Determination and Imposition, and Amount of Fees and Charges.[9]

IV. Exemptive Relief

In conjunction with the Plan, on a temporary basis, the Commission granted an exemption to vendors from Rule 11Ac1–2 [10] under the Act regarding the calculation of the BBO [11] and granted the BSE an exemption from the provision of Rule 11Aa3–1 [12] under the Act that requires transaction reporting plans to include market identifiers for transaction reports and last sale data. In the September 2001 Extension Request, the Participants ask that the Commission grant an extension of the exemptive relief described above to vendors until the BBO calculation issue is fully resolved. In addition, in the September 2001 Extension Request, the Participants request that the Commission grant an extension of the exemptive relief described above to the BSE until October 19, 2001.

V. Solicitation of Comment

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether it is consistent with the Act. The Commission continues to solicit comment regarding the BBO calculation, the trade-through rule and any issues presented by changes occurring in the market place. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposal that are filed with the Commission, and all written communications relating to the proposal between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. All submissions should refer to File No. S7–24–89 and should be submitted by October 10, 2001.

VI. Discussion

The Commission finds that an extension of temporary approval of the operation of the Plan, as amended, through October 19, 2001, is appropriate and in furtherance of Section 11A [13] of the Act.[14] The Commission had previously stated that a revised Plan must be filed with the Commission by July 19, 2001, or the Commission will amend the Plan directly.[15] The Participants submitted an Interim Plan to the Commission on August 30, 2001, which, among other things, includes a process for selecting an alternative securities information processor. Therefore, to enable the Commission to consider and to solicit comment on the Interim Plan, the Commission believes that it is appropriate to extend the current Plan.

The Commission notes that the revised final Plan must provide for either (1) a fully viable alternative exclusive securities information processor (''SIP'') for all Nasdaq securities, or (2) a fully viable alternative non-exclusive SIP in the event that the Plan does not provide for an exclusive SIP. If the revised Plan provides for an exclusive consolidating SIP, a function currently performed by Nasdaq, the Commission believes that, to avoid conflicts of interest, there should be a presumption that a Plan Participant, and in particular Nasdaq, should not operate such exclusive consolidating SIP. The presumption may be overcome if: (1) the Plan processor is chosen on the basis of bona fide competitive bidding and the Participant submits the successful bid; and (2) any decision to award a contract to a Plan Participant, and any ensuing review or renewal of such contract, is

[5] *See* Section 12(f)(2) of the Act, 15 U.S.C. 78*l*(f)(2).

[6] *See* Securities Exchange Act Release No. 28146, 55 FR 27917 (July 6, 1990) (''1990 Plan Approval Order'').

[7] *See* Securities Exchange Act Release Nos. 34371 (July 13, 1994), 59 FR 37103 (July 20, 1994); 35221 (January 11, 1995), 60 FR 3886 (January 19, 1995); 36102 (August 14, 1995), 60 FR 43626 (August 22, 1995); 36226 (September 13, 1995), 60 FR 49029 (September 21, 1995); 36368 (October 13, 1995), 60 FR 54091 (October 19, 1995); 36481 (November 13, 1995), 60 FR 58119 (November 24, 1995) (''November 1995 Extension Order''); 36589 (December 13, 1995), 60 FR 65696 (December 20, 1995); 36650 (December 28, 1995), 61 FR 358 (January 4, 1996); 36934 (March 6, 1996), 61 FR 10408 (March 13, 1996); 36985 (March 18, 1996), 61 FR 12122 (March 25, 1996); 37689 (September 16, 1996), 61 FR 50058 (September 24, 1996); 37772 (October 1, 1996), 61 FR 52980 (October 9, 1996); 38457 (March 31, 1997), 62 FR 16880 (April 8, 1997); 38794 (June 30, 1997), 62 FR 36586 (July 8, 1997); 39505 (December 31, 1997), 63 FR 1515 (January 9, 1998); 40151 (July 1, 1998), 63 FR 36979 (July 8, 1998); 40896 (December 31, 1998), 64 FR 1834 (January 12, 1999); 41392 (May 12, 1999), 64 FR 27839 (May 21, 1999) (''May 1999 Approval Order''); 42268 (December 23, 1999), 65 FR 1202 (January 6, 2000); 43005 (June 30, 2000), 65 FR 42411 (July 10, 2000); 44099 (March 23, 2001), 66 FR 17457 (March 30, 2001); and 44348 (May 24, 2001), 66 FR 29610 (May 31, 2001); 44552 (July 13, 2001), 66 FR 37712 (July 19, 2001); 44694 (August 14, 2001), 66 FR 43598 (August 20, 2001).

[8] The Plan defines ''eligible security'' as any Nasdaq/NM security as to which unlisted trading privileges have been granted to a national securities exchange pursuant to Section 12(f) of the Act or that is listed on a national securities exchange. On May 12, 1999, in response to a request from the CHX, the Commission expanded the number of eligible Nasdaq/NM securities that may be traded by the CHX pursuant to the Plan from 500 to 1000. *See* May 1999 Approval Order, *supra* note 7. On November 9, 2000, the Commission noticed and requested comment on a proposal by the PCX to expand the maximum number of securities eligible to trade to include all Nasdaq/NM securities. *See* Securities Exchange Act Release No. 43545, 65 FR 69581 (November 17, 2000).

[9] The full text of the Plan, as well as a ''Concept Paper'' describing the requirements of the Plan, are contained in the original filing, which is available for inspection and copying in the Commission's public reference room.

[10] 17 CFR 240.11Ac1–2.

[11] Rule 11Ac1–2 under the Act requires that the best bid or best offer be computed on a price/size/time algorithm in certain circumstances. Specifically, Rule 11Ac1–2 under the Act provides that ''in the event two or more reporting market centers make available identical bids or offers for a reported security, the best bid or offer * * * shall be computed by ranking all such identical bids or offers * * * first by size * * * then by time.'' The exemption permits vendors to display the BBO for Nasdaq securities subject to the Plan on a price/time/size basis.

[12] 17 CFR 240.11Aa3–1.

[13] 15 U.S.C. 78k–1.

[14] In approving this extension, the Commission has considered the extension's impact on efficiency, competition, and capital formation. 15 U.S.C. 78(c)(f).

[15] *See supra* note 4. The Commission notes that the SuperMontage order directed the Participants to produce a revised plan by July 19, 2001. The Commission, however, provided for a 3-month extension of the July 19, 2001, deadline if requested by the Participants for good cause. The Commission recognizes that the Participants have been meeting to discuss the alternatives for a new plan.

made without that Plan Participant's direct or indirect voting participation. If a Plan Participant is chosen to operate such exclusive SIP, the Commission believes there should be a further presumption that the Participant-operated exclusive SIP shall operate completely separate from any order matching facility operated by that Participant and that any order matching facility operated by that Participant must interact with the plan-operated SIP on the same terms and conditions as any other market center trading Nasdaq-listed securities. Further, the Commission will expect the NASD to provide direct or indirect access to the alternative SIP, whether exclusive or non-exclusive, by any of its members that qualify, and to disseminate transaction information and individually identified quotation information for these members through the SIP.

Furthermore, the revised final Plan should be open to all SROs, and the Plan should share governance of all matters subject to the Plan equitably among the SRO Participants. The Plan also should provide for sharing of market data revenues among SRO Participants. Finally, the Plan should provide a role for participation in decision making to non-SROs that have direct or indirect access to the alternative SIP provided by the NASD. The Commission expects the parties to continue to negotiate in good faith on the above matters [16] as well as any other issues that arise during Plan negotiations.

The Commission also finds that it is appropriate to extend the exemptive relief from Rule 11Ac1–2[17] under the Act until the earlier of October 19, 2001, or until such time as the calculation methodology of the BBO is based on a mutual agreement among the Participants approved by the Commission. The Commission further finds that it is appropriate to extend the exemptive relief from Rule 11Aa3–1 [18] under the Act to the BSE through October 19, 2001. The Commission believes that the temporary extensions of the exemptive relief provided to vendors and the BSE, respectively, are consistent with the Act, the rules thereunder, and specifically with the objectives set forth in Sections 12(f) [19] and 11A [20] of the Act and in Rules 11Aa3–1 [21] and 11Aa3–2 [22] thereunder.

VII. Conclusion

It is therefore ordered, pursuant to Sections 12(f) [23] and 11A [24] of the Act and paragraph (c)(2) of Rule 11Aa3–2 [25] thereunder, that the Participants' request to extend the effectiveness of the Plan, as amended, for Nasdaq/NM securities traded on an exchange on an unlisted or listed basis through October 19, 2001, and certain exemptive relief through October 19, 2001, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–23457 Filed 9–17–01; 1:24 pm]

BILLING CODE 8010–01–P

[16] *See also* discussion in the SuperMontage order, *supra* note 4.

[17] 17 CFR 240.11Ac1–2.

[18] 17 CFR 240.11Aa3–1.

[19] 15 U.S.C. 78*l*(f).

[20] 15 U.S.C. 78k–1.

[21] 17 CFR 240.11Aa3–1.

[22] 17 CFR 240.11Aa3–2.

[23] 15 U.S.C. 78*l*(f).

[24] 15 U.S.C. 78k–1.

[25] 17 CFR 240.11Aa3–2(c)(2).

[26] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 66 FR 47930, September 14, 2001.

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: September 10, 2001.

CHANGE IN THE MEETING: Cancellation of Meeting.

The closed meeting scheduled for Monday, September 17, 2001 at 10:00 a.m. has been cancelled.

Dated: September 14, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–23443 Filed 9–17–01; 12:30 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44787; File No. SR–NASD–2001–53]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the National Association of Securities Dealers, Inc. Amending Rule 11870, Customer Account Transfer Contracts

September 12, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange of 1934 (''Act''),[1] notice is hereby given that on August 16, 2001, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD–R'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by NASD–R. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval.

I. Self-Regulatory Organization's Statement of Terms and Substance of the Proposed Rule Change

NASD Regulation proposes to amend NASD Uniform Practice Code Rule 11870(c) and 11870(d) in order to expedite the transfer of customer accounts that contain proprietary or third party products (*e.g.,* mutual funds or money market funds) that the receiving member cannot receive or carry.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD–R included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The test of these statements may be examined at the places specified in Item IV below NASD–R has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NASD.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to conform Uniform Practice Code Rule 11870 to recent modifications to the Automated Customer Account Transfer Service (''ACATS''), which is administered by the National Securities Clearing Corporation (''NSCC''). Recent ACATS modifications offer the capability to facilitate the transfer of accounts containing third party and/or proprietary products. The proposed changes to NASD Rules 11870(c) and 11870(d) would correspond to those modifications and would give member firms the ability to expedite the transfer of such accounts. The proposed rule change also conforms the NASD Rules to a recent amendment to the Interpretation of the New York Stock Exchange (''NYSE'') Rule 412.[3]

Under current Rules 11870(c) and 11870(d), when a customer whose securities account is carried by a member (''carrying member'') wishes to transfer the entire account to another member (''receiving member'') the customer submits a signed broker-to-broker transfer instruction to the receiving member. The receiving member immediately submits the instruction to the carrying member, and the carrying member has three business days either to validate and return the transfer instruction to the receiving member (with an attachment reflecting all positions and money balances as shown on its books) or to take exception to the instruction. Prior to or at the time of validation of the transfer instruction, the carrying member must request in writing instructions from the customer with respect to the disposition of any assets in the account that it identifies as nontransferable, including any asset that is a proprietary product of the carrying member. The customer may ask the carrying member to liquidate the asset, continue to retain the asset, or physically transfer the asset in the customer's name to the customer.

The account, however, also may contain assets that have not been identified by the carrying member as nontransferable because they are the product of a third party (*e.g.,* mutual fund/money market fund) with which the receiving member does not maintain the relationship or arrangement necessary to receive/carry the assets. Notwithstanding the presence of such assets in the account, the carrying member currently must include such assets in the transfer of the account, the carrying member currently must include such assets in the transfer of the account. If the receiving member is unable to receive/carry an asset that is a product of a third party, the receiving member must send the asset back to the carrying member.

The carrying member must complete the transfer of the account to the receiving member within three business days following the validation of a transfer instruction, The receiving member and the carrying member must immediately establish fail-to-receive and fail-to-deliver contracts at then-current market values upon their respective books against the long positions and short positions, respectfully, in the customer's account that have not been delivered or received, and the receiving member must debit and the carrying member must credit the related money amount. These fails require substantial processing time for both the carrying and receiving members and require carrying members to credit the receiving firm funds equivalent to the value of the assets they are unable to deliver. These fails can also cause customers confusion in that customers receive multiple account statements from the carrying and receiving firms as the firms transfer and then reverse transactions.

The proposed rule change would require the receiving member upon receipt of the asset validation report to designate any assets that are the product of a third party with which the receiving member does not maintain the relationship or arrangement necessary to receive/carry the asset for the customer's account. The carrying member upon receipt of such designation may treat such designated assets as nontransferable and refrain from transferring the designated assets.

The receiving member after designating those third party assets it is unable to receive/carry would have to provide the customer with a list of those assets and request instructions from the customer regarding their disposition. The customer would be given the alternatives of having to liquidate the assets, having the carrying broker-dealer continue to retain the assets, having the assets physically transferred in the customer's name to the customer, or transferring the assets to the third party that is the original source of the product for credit to an account opened by the customer with the third party.

The proposed rule change would also deem as a nontransferable asset a proprietary product of the carrying member unless the receiving member agrees to accept transfer of the assets.

Current Rule 11870(d)(3)(C) provides that a member may take exception to a transfer instruction if the account number is invalid (account number is not on the carrying member's books). The proposed change to Rule 11870(d)(3)(C) will make clear that the carrying member is responsible for tracking account number changes; therefore, an account number that has been changed due to internal reassignment of an account to another broker or account executive with the carrying member will not be considered invalid for purposes of taking exception to a transfer instruction.

2. Statutory Basis

NASD–R believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which requires, among other things, that NASD's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD–R believes that the proposed rule change is designed to accomplish these goals by making the transfer of customer accounts faster and more efficient, reducing customer confusion, and facilitating the transfer of third-party and proprietary products. The proposed rule change will also conform NASD requirements to recent amendments to the Interpretation of NYSE Rule 412.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD–R does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of Section 15A of the Act, which requires, among other things, that the rules of a national securities association be designed to remove the impediments to and perfect the mechanism of a free and open market and a national market system

[3] Securities Exchange Act Release No. 44596 (July 26, 2001), 66 FR 40306 (Aug. 2, 2001).

and protect investors and the public interest.[4] These obligations are met when procedures governing the transfer of customer accounts are made more efficient. The rule change should eliminate the present need for reversing the transfer of third party and/or proprietary products, thereby reducing delay, and also reduce the cost of customer transfers incurred by members under the current system. For example, the proposed designation and notice requirements on the part of the receiving firm should reduce the overall timeframe for transferring or disposing of third party products and should lower the related costs incurred by NASD's members. The rule change should also reduce customer confusion and facilitate decisions by customers concerning the disposition of proprietary and third party products. Finally, because the proposed rule change is designed to conform NASD Rules 11870(c) and 11870(d) with recent amendments to the Interpretation of NYSE Rule 412, the proposal should help provide uniformity.

NASD–R has requested that the Commission find good cause pursuant to Section 19(b)(2) of the Act[5] for approving the proposed rule change prior to the thirtieth day after publication of notice of the filing in the **Federal Register.** The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication in the **Federal Register** because accelerated approval will allow the NASD to implement these changes when NSCC implements changes to ACATS. The Commission is approving the proposed rule change prior to the expiration of the comment period in order to permit the NASD to conform its rule with the NYSE and benefit customers as soon as possible.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at NASD's principal office. All submissions should refer to File No. SR–NASD–2001–53 and should be submitted by October 10, 2001.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NASD–2001–53) be, and hereby is, approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H McFarland,

Deputy Secretary.

[FR Doc. 01–23308 Filed 9–18–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78o–3.

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44788; File No. SR–NASD–2001–56]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Extend a Pilot Program That Reduced Monthly Fees for Non-Professional Users Receiving the National Quotation Data Service

September 13, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 5, 2001, the National Association of Securities Dealers, Inc. (''NASD'') or ''Association''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. Nasdaq filed the proposal pursuant to Section 19(b)(30(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to extend a one-year pilot program under NASD Rule 7010(h) that reduced from $50 to $10 the monthly fee that non-professional users pay to receive the National Quotation Data Service (''NQDS'').[5] Nasdaq proposes to extend the one-year fee reduction pilot program for non-professional users of NQDS for another year. The pilot, as extended, would continue uninterrupted through August 31, 2002. Nasdaq has designated this proposal as non-controversial, rendering it effective upon filing with the Commission. Nasdaq asks that the Commission waive the 30-day operative waiting period pursuant to SEC Rule 19b–4(f)(6)(iii).[6] to allow the pilot program to continue uninterrupted through August 31, 2002.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to extend a one-year fee reduction pilot program that was established under NASD Rule 7010(h) on August 31, 2000, and that reduced from $50 to $10 the monthly fee that non-professional users pay to receive NQDS.[7]

NQDS delivers market maker quotations, Nasdaq Level 1 service (including calculation and display of the inside market), and last sale information that is dynamically updated on a real-time basis. NQDS data is used

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6). Nasdaq provided the Commission with written notice of its intent to file the proposal, along with a brief description and text of the proposed rule change on August 24, 2001.

[5] *See* Securities Exchange Act Release No. 43190 (August 22, 2000), 65 FR 52460 (August 29, 2000) (SR–NASD–00–47). NQDS is sometimes referred to as the ''Nasdaq Quotation Dissemination Service.''

[6] 17 CFR 240.19b–4(f)(6)(iii)

[7] *See* footnote 5 supra.

not only by firms, associated persons, and other market professionals, but also by non-professionals who receive the service through authorized vendors, including, for example, on-line brokerage firms. Prior to August 31, 2000, NQDS data was available through authorized vendors at a monthly rate of $50 for professional and non-professional users alike. In August 2000, the NASD through Nasdaq filed a rule change to reduce from $50 to $10 the monthly fee that non-professional users pay to receive NQDS data. The Commission approved the pilot on August 22, 2000, and the fee reduction commenced on August 31, 2000 on a one-year pilot basis (''one-year fee-reduction pilot'').

Nasdaq has consistently supported broad, effective dissemination of market information to public investors. Thus, Nasdaq is proposing to extend the one-year fee-reduction pilot for another year. The pilot would cover twelve months, commencing with September 2001 and expiring on August 31, 2002. Nasdaq notes that the one-year fee-reduction pilot reduced by 80% the fees that non-professionals paid for NQDS data prior to August 31, 2000. Continuing the reduction of NQDS for non-professional users demonstrates Nasdaq's continued commitment to individual investors and responds to the dramatic increase in the demand for real-time market data by non-professional market participants. In addition, NASD member firms often supply real-time market data to their customers through automated means. Thus, NASD member firms' customers will benefit from the continued fee reduction.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with the provisions of Sections 15A(b)(5) and 15A(b)(6) of the Act[8] in that the proposal is designed to provide for the equitable allocation of reasonable fees among members and other persons using any facility or system which the Association operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. In addition, Nasdaq believes that the fee reduction enhances the public's access to market data that is relevant to investors when they make financial decisions. Nasdaq further believes that the public's enhanced access to this data may encourage increased public participation in the securities markets.

[8] 15 U.S.C. 78o–3(b)(5) and (6).

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq believes that the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule changes does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the act.

Nasdaq has requested that the Commission accelerate the operative date. The Commission finds good cause to waive the 30-day operative waiting period, because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow the pilot to continue uninterrupted through August 31, 2002. For these reasons, the Commission finds good cause to waive the 30-day operative waiting period.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–2001–56 and should be submitted by October 10, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–23309 Filed 9–18–01; 8:45 am]

BILLING CODE 8010–01–M

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44783; File No. SR–NYSE–2001–36]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend NYSE Rule 123

September 10, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 10, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to NYSE Rule 123. The proposed rule text follows:

Additions are *italicized*, deletions are [bracketed].

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Rule 123—Records of Order

(e) *System Entry Required*

Except as provided in paragraphs .21 and .22 below, [N] *n*o Floor member may represent or execute an order on the Floor of the Exchange unless the details of the order have been first recorded in an electronic system on the Floor. Any member organization proprietary system used to record the details of the order must be capable of transmitting these details to a designated Exchange data base within such time frame as the Exchange may prescribe. The details of each order required to be recorded shall include the following data elements, any changes in the terms of the order and cancellations, in such form as the Exchange may from time to time prescribe:

1. Symbol;
2. Clearing member organization;
3. Order identifier that uniquely identifies the order;
4. Identification of member or member organization recording order details;
5. Number of shares or quantity of security;
6. Side of market;
7. Designation as market, limit, stop, stop limit;
8. Any limit price and/or stop price;
9. Time in force;
10. Designation as held or not held;
11. Any special conditions;
12. System-generated time of recording order details, modification of terms of order or cancellation of order;
13. Such other information as the Exchange may from time to time require.

* * * * *

.20 Orders—For purposes of paragraph (e), an order shall be any written, oral or electronic instruction to effect a transaction.

.21 Orders not subject to paragraph (e) recording requirements—Any order executed by a specialist, Competitive Trader or Registered Competitive Market Maker for his or her own account and any orders which by their terms are incompatible for entry in an Exchange system relied on by a Floor member to record the details of the order in compliance with this Rule shall be exempt from the order entry requirements of paragraph (e) above.

.22 With respect to bona fide arbitrage order, a member may execute such order before entering the order into an electronic system as required by paragraph (e) above, but such member must enter such order into such electronic system no later than 60 seconds after the executive of such order. With respect to an order to offset a transaction made in error, a member may, upon discovering such error within the same trading session, effect an offsetting transaction without first entering such order into an electronic system, but such member must enter such order into such electronic system no later than 60 seconds after the execution of such order.

.2*3*[2] Time standards—Any member organization proprietary system used to record the details of an order for purposes of this rule must be synchronized to a commonly used time standard and format acceptable to the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change is being filed as a one-month pilot.

In December, 2000, the Exchange adopted requirements for the electronic capture of orders at the point of sale (front end systemic capture, or ''FESC'') [3] and at the point of receipt (order tracking system, or ''OTS''). The purpose of the requirements is to create a complete systemic record of orders handled by members and member organizations. These requirements are scheduled to become effective on September 10, 2001.

Due to the time sensitivity of bona fide arbitrage orders and orders to offset transactions made in error, the Exchange is proposing to carve out two exceptions to NYSE Rule 123(e). These orders may be initiated by a member on the Floor pursuant to SEC Rule 11a–1 and NYSE Rule 111, and a requirement that such orders be first entered into FESC may result in a lost arbitrage opportunity, or an additional loss to the member when covering an error. With respect to bona fide arbitrage orders, a member may execute such orders before entering the order into FESC. However, such member must enter such orders into FESC no later than 60 seconds after the execution of such orders.

Similarly, with respect to an order to offset transactions made in error, a member, may, upon discovering such error within the same trading session, effect an offsetting transaction without first entering such order into FESC. However, such member must enter such order into FESC no later than 60 seconds after the execution of such order.

2. Statutory Basis

The Exchange believes that the basis under the Securities Exchange Act of 1934 (the ''Act'') for this proposed rule change is the requirement under Section 6(b)(5) [4] that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change is designed to accomplish these ends by strengthening the Exchange's ability to surveil the Floor activities of members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and subparagraph (f)(6) of

[3] *See* Securities Exchange Act Release No. 43689 (December 7, 2000), 65 FR 79145 (December 18, 2000) (Order approving amendments to NYSE Rule 123 providing for the systemic capture of order information on the Exchange floor).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(3)(A).

Rule 19b–4 thereunder.[6] At any time within 60 days of the filing of the proposed rule change, as amended, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[7]

The Commission notes that under Rule 19b–4(f)(6)(iii),[8] the proposal does not become operative for 30 days after date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the five-day pre-filing requirement and designate that the proposed rule change become operative immediately to permit implementation of NYSE Rule 123(e) as scheduled on September 10, 2001, which the NYSE believes is consistent with investor protection and the public interest. In particular, the Exchange believes the proposed rule change will enable members to execute bona fide arbitrage orders and orders to offset transactions made in error quickly without having to enter the order into the FESC. The proposed rule will still require that these be entered into the FESC within 60 seconds after the execution of the respective order.

The Commission believes that it is consistent with the protection of investors and the public interest to waive the five-day pre-filing requirement and designate the proposal immediately operative.[9] Accelerating the operative date and waiving the pre-filing requirement will permit the Exchange to implement NSYE Rule 123 without undue delay. For this reason, the Commission finds good cause to designate that the proposal become operative immediately.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission 450 Fifth Street NW., Washington, DC 10549–0609.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room.

Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–2001–36 and should be submitted by October 10, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–23307 Filed 9–18–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] The Commission notes, however, this proposed rule change has been filed as a one-month pilot.

[8] 17 CFR 240.19b–4(f)(6).

[9] For purposes of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.20–3(a)(12).

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: (A) Notice of policy priorities for amendment cycle ending May 1, 2002; (B) Request for comment on the possible formation of an ad hoc advisory group on organizational guidelines; and (C) Request for comment on the possible formation of an ad hoc advisory group on issues related to the impact of the sentencing guidelines on Native Americans in Indian Country.

SUMMARY: (A) Policy Priorities.—In July 2001, the Commission published a notice of possible policy priorities for the amendment cycle ending May 1, 2002. See 66 FR 128 (July 3, 2001). After reviewing public comment received pursuant to this notice, the Commission has identified its policy priorities for the upcoming amendment cycle. The Commission hereby gives notice of these policy priorities.

(B) Issues Related to the Organizational Guidelines.—The Commission recently has received several letters from individuals and organizations suggesting that the Commission consider proposed changes to the guidelines in Chapter Eight (Sentencing of Organizations). (These letters are available at the Commission for public review.) In response, the Commission hereby requests comment on the scope, potential membership, and possible formation of an ad hoc advisory group on the organizational sentencing guidelines to consider any viable methods to improve the operation of these guidelines.

(C) Issues Related to the Impact of Federal Sentencing Guidelines on Native Americans in Indian Country.—In June, 2001, the Commission held a hearing in Rapid City, South Dakota, for the purpose of receiving information from interested parties about the impact of the federal sentencing guidelines on Native Americans sentenced in Federal court for offenses traditionally prosecuted under state law. As a result of suggestions made at that hearing and subsequent written submissions, the Commission hereby requests comment on the scope, potential membership, and possible formation of an ad hoc advisory group to consider any viable methods to improve the operation of the federal sentencing guidelines in all areas that have significant Native American Indian populations.

DATE: Public comment should be received by the Commission not later than November 6, 2001.

ADDRESSES: Send comment to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, South Lobby, Washington, DC 20002–8002. Attn: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502–4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission, an independent commission in the judicial branch of the United States Government, is authorized by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal courts. Section 994 also directs the Commission periodically to review and revise promulgated guidelines and authorizes it to submit guideline amendments to Congress not later than the first day of May each year. See 28 U.S.C. 994(o), (p).

(A) Policy Priorities for Amendment Cycle May 1, 2002.—As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified certain priorities as the focus of its policy development work, including possible amendments to guidelines, policy statements, and commentary, for the amendment cycle ending May 1, 2002. While the Commission intends to address these

priority issues, it recognizes that other factors, such as the enactment of legislation requiring Commission action, may affect the Commission's ability to complete work on all of the identified policy priorities by the statutory deadline of May 1, 2002. The Commission may address any unfinished policy work from this agenda during the amendment cycle ending May 1, 2003.

For the amendment cycle ending May 1, 2002, and possibly continuing into the amendment cycle ending May 1, 2003, the Commission has identified the following priorities: (1) A 15 Year Study (in anticipation of the 15 year anniversary of the federal sentencing guidelines) composed of a number of projects geared toward analyzing the guidelines in light of the goals of sentencing reform described in the Sentencing Reform Act and the statutory purposes of sentencing set forth in 18 U.S.C. 3553(a)(2); (2) in conjunction with the 15 Year Study, an assessment of, and possible guideline amendment proposals for, the following guideline areas: (i) Chapter Two, Part D (Offenses Involving Drugs); and (ii) Chapter Four (Criminal History); (3) implementation of any crime legislation enacted during the first session of the 107th Congress warranting a Commission response; (4) miscellaneous and discreet issues such as offenses involving damage to cultural heritage resources; and (5) the resolution of any conflicts among the circuits related to the operation of the guidelines in the areas identified above.

(B) Issues Related to the Organizational Guidelines.—The sentencing guidelines for organizations found in Chapter Eight (Sentencing of Organizations) were promulgated on November 1, 1991. Approximately 250 to 300 cases per year currently are being sentenced under the organizational guidelines. More important than the number of cases sentenced, the organizational guidelines have had a tremendous impact on the implementation of compliance and business ethics programs over the past ten years. The organizational guidelines prompted a serious reconsideration within the American business community of methods and rationale for improved corporate governance. The Commissioners have been active in speaking at various compliance and ethics seminars and writing articles about the organizational guidelines over the years and are aware of the importance of the organizational guidelines to good corporate citizenship.

Recently, the Commission has received several letters from individuals and organizations suggesting that the Commission examine the organizational guidelines with a view toward changes that might be made to improve their overall operation. (These letters are available at the Commission for public review.) Changes that have been suggested include, for example: (1) Broadening compliance requirements to include ethics and integrity based systems, (2) developing criteria in § 8A1.2 (Application Instructions—Organizations) that would create a ''safe harbor'' for reporting without fear of retribution, and (3) fostering a dialogue with interested parties for the purpose of reviewing the organizational guidelines and making further suggestions for change.

In response to the suggestion to foster a dialogue on the organizational guidelines, the Commission is considering forming an ad hoc advisory group of interested persons such as industry representatives, scholars, and experts in compliance and business ethics, which might lead to development of proposals on the organizational guidelines for Commission consideration. *See* USSC Rule of Practice and Procedure 5.4. The Commission requests comment on (1) the scope, duration, and membership of any such advisory group; (2) the merit of the suggestions from outside parties as described in the preceding paragraph; and (3) any other issues related to the improvement of Chapter Eight.

(C) Issues Related to the Impact of the Federal Sentencing Guidelines on Native Americans in Indian Country.—On June 19, 2001, the Sentencing Commission held a public hearing in Rapid City, South Dakota, in response to the March 2000 Report of the South Dakota Advisory Committee to the United States Commission on Civil Rights, which recommended that an assessment of the impact of the United States sentencing guidelines on Native Americans in South Dakota be undertaken. The Committee, in its report, expressed concern about the impact of the federal sentencing guidelines on Native Americans in Indian Country who are prosecuted in federal court for crimes that otherwise would be brought under state law. The Committee's concerns and recommendations were based on the widespread perception in South Dakota that Native Americans, by virtue of being subject to federal prosecution and sentencing, rather than state prosecution and sentencing, receive harsher sentences under the federal guidelines than they would under a similar state sentence. The purpose of the hearing was to provide the Commission with an opportunity to hear from various witnesses who have first-hand experience with the process of criminal investigation, prosecution, and sentencing in South Dakota and the federal sentencing guidelines. Representative testimony was received from local judges, prosecution and defense officials, victims groups, as well as Native American tribal leaders. The Commission is aware that Native Americans in other regions similarly impacted by the federal sentencing guidelines may want to express views on these issues.

As a result of suggestions made at that hearing and subsequent written submissions, the Commission is considering forming an hoc advisory group on issues related to the impact of the federal sentencing guidelines on Native Americans in Indian Country. The Commission requests comment on the merits of forming such a group, including comment on the scope, duration, and membership of any such advisory group that may be formed.

Authority: 28 U.S.C. 994 (a), (o), (p); USSC Rules of Practice and Procedure 5.2.

Diana E. Murphy,

Chair.

[FR Doc. 01–23324 Filed 9–18–01; 8:45 am]

BILLING CODE 2210–40–P

SMALL BUSINESS ADMINISTRATION

[License No.02/27–0604]

KBL Healthcare, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that KBL Healthcare, L.P., 645 Madison Avenue New York, NY 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection the financing of a small concern, has sought an exemption under section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2000)). KBL Healthcare, L.P. proposes to provide equity security financing to Lumenos, Inc., 1725 Duke Street, Suite 400 Alexandria, VA 22314. The financing is contemplated for technology development, sales and marketing, working capital and general corporate purposes.

The financing is brought within the purview of Section 107.730(a)(1) of the Regulations because KBL Healthcare Inc., KBL Healthcare Ventures, L.P.,

KBL Partnership, L.P. and other related individuals and entities, Associates of KBL Healthcare, L.P., together currently own greater than 10 percent of Lumenos, Inc. and therefore Lumenos, Inc. is considered an Associate of KBL Healthcare, L.P. as defined in Section 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Acting Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW, Washington, DC 20416.

Dated: September 6, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–23297 Filed 9–18–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3784]

Culturally Significant Objects Imported for Exhibition; Determinations: ''William Beckford, 1760–1844: An Eye for the Magnificent''

DEPARTMENT: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681 *et seq.*), Delegation of Authority No. 234 of October 1, 1999 (64 FR 56014), and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit ''William Beckford, 1760–1844: An Eye for the Magnificent,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at The Bard Graduate Center for Studies in the Decorative Arts, of New York, NY, from on or about October 16, 2001, to on or about January 6, 2002, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: September 13, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–23337 Filed 9–18–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[PUBLIC NOTICE 3786]

Notice of Postponement of Meeting of the Cultural Property Advisory Committee

AGENCY: Department of State.

ACTION: Notice.

Due to extenuating circumstances, the meeting of the Cultural Property Advisory Committee scheduled for Thursday, September 20, and Friday September 21, 2001, at the Department of State to review the proposal to extend the ''Agreement between the Government of the United States of America and the Government of Canada Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological and Ethnological Material'' has been postponed. The meeting will be re-scheduled and a new notice will be published in the **Federal Register**. The original notice was published on August 7, 2001, Vol. 66, No. 152. Further information about this agreement and related cultural property information may be found at this web site: http://exchanges.state.gov/education/culprop.

Dated: September 17, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–23487 Filed 9–18–01; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[PUBLIC NOTICE #3744]

Notice of Meetings; United States International Telecommunication Advisory Committee, Telecommunication Development (ITAC–D)

The Department of State announces a meeting of the U.S. International Telecommunication Advisory Committee. The purpose of the Committee is to advise the Department on policy and technical issues with respect to the International Telecommunication Union (ITU).

There will be two September meetings of the ITAC–D: Friday, September 21, 2001, from 10:00 to noon & Wednesday, September 26, 2001, from 10:00 to noon. The agenda for both meetings is to prepare for the meeting of the ITU–D Telecommunication Development Advisory Group (TDAG), scheduled for Geneva, October 3–5 & to prepare for the WTDC02: Americas Regional Preparatory Meeting scheduled for October 16–18, Port o' Spain, Trinidad & Tobago. Meetings will be at the Department of State in rooms yet to be determined.

Members of the general public may attend these meetings. Directions to meeting location and actual room assignments may be determined by calling the Secretariat at 202 647–0965/2592. Entrance to the building is controlled; people intending to attend this meeting should send an e-mail to williamscd@state.gov no later than 48 hours before the meeting for preclearance. This e-mail should display the name of the meeting and date of meeting, your name, social security number, date of birth, and organizational affiliation. One of the following valid photo identifications will be required for admission: U.S. driver's license, passport, U. S. Government identification card. Enter the Department of State from the C Street Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: September 12, 2001.

Frank K. Williams,

Director, Radiocommunication Standardization, Department of State.

[FR Doc. 01–23486 Filed 9–17–01; 3:22 pm]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice #3743]

Advisory Committee on Labor Diplomacy; Notice of Meeting

The Advisory Committee on Labor Diplomacy (ACLD) will hold a meeting from 9 a.m. to 2 p.m. on October 4, 2001, in room 6210, U.S. Department of State, 2201 C Street, NW., Washington, DC 20520. Committee Chairman Thomas Donahue, former President of the AFL–CIO, will chair the meeting.

The ACLD is comprised of prominent persons with expertise in the area of international labor policy and labor diplomacy. The ACLD advises the Secretary of State and the President on the resources and policies necessary to implement labor diplomacy programs efficiently, effectively and in a manner that ensures U.S. leadership before the international community in promoting the objectives and ideals of U.S. labor policies in the 21st century. The ACLD will make recommendations on how to strengthen the Department of State's ability to respond to the many challenges facing the United States and the federal government in international labor matters. These challenges include the protection of worker rights, the elimination of exploitative child labor, and the prevention of abusive working conditions.

The agenda for the October 4 meeting includes discussion of the interagency process on international labor policy formulation.

Members of the public are welcome to attend the meeting as seating capacity allows. As access to the Department of State is controlled, persons wishing to attend the meeting must be pre-cleared by calling or faxing the following information, by open of business October 3, to Eric Barboriak at (202) 647–3664 or fax (202) 647–0431 or e-mail *barboriakem@state.gov:* name; company or organization affiliation (if any); date of birth; and social security number. Pre-cleared persons should use the C Street entrance to the State Department and have a driver's license with photo, a passport, a U.S. Government ID or other valid photo identification.

Members of the public may, if they wish, submit a brief statement to the Committee in writing. Those wishing further information should contact Mr. Barboriak at the phone and fax numbers provided above.

Dated: September 6, 2001.

Lorne W. Craner,

Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State

[FR Doc. 01–23336 Filed 9–18–01; 8:45 am]

BILLING CODE 4710–18–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Weekly Receipts

Aviation Proceedings, Agreements filed during week ending August 31, 2001. The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–10522.

Date Filed: August 28, 2001.

Parties: Members of the International Air Transport Association.

Subject: PTC COMP 0848 dated 28 August 2001, CTC COMP 0364 dated 28 August 2001, Resolutions 024f/033f—Local Currency, Fare/Rate Changes—Papua New Guinea, Intended effective date: 1 October 2001.

Docket Number: OST–2001–10541.

Date Filed: August 31, 2001.

Parties: Members of the International Air Transport Association.

Subject: PAC/Reso/413 dated 23 July 2001, Finally Adopted Resolutions r1–r34, MINUTES—PAC/Meet/171 dated 23 July 2001, Intended effective date: 1 January 2002.

Docket Number: OST–2001–10546.

Date Filed: August 31, 2001.

Parties: Members of the International Air Transport Association.

Subject: PTC23 ME–TC3 0127 dated 31 August 2001, Mail Vote 142—TC23/123 Africa-TC3, Special Passenger Amending Resolution from India r1–r7, Intended effective date: 14 September 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–23320 Filed 9–18–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Weekly Applications

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the week ending August 31, 2001. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2001–10529.

Date Filed: August 29, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 20, 2001.

Description: Application of Arizona Express Airlines, Inc., pursuant to 49 U.S.C. Section 41738, requesting authority to engage in scheduled passenger service operations as a commuter and proposes to operate two scheduled, non-stop, round-trip flights daily between Show Low and Phoenix, Arizona.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–23321 Filed 9–18–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD17–01–002]

Annual Certification of Prince William Sound Regional Citizen's Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of recertification.

SUMMARY: Under the Oil Terminal and Tanker Environmental Oversight Act of 1990, the Coast Guard may certify on an annual basis, an alternative voluntary advisory group in lieu of a regional citizens' advisory council for Prince William Sound, Alaska. This certification allows the advisory group to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by the statute. The purpose of this notice is to inform the public that the Coast Guard has recertified the alternative voluntary advisory group for Prince William Sound, Alaska.

DATES: This certification is effective from January 31, 2001 to January 31, 2002.

FOR FURTHER INFORMATION CONTACT: For general information regarding the PWS RCAC or viewing material submitted to the docket, contact LT Michael Patterson, Seventeenth Coast Guard District, Marine Safety Division, (907) 463–2807.

SUPPLEMENTARY INFORMATION:

Background and Purpose

As part of the Oil Pollution Act of 1990. Congress passed the Oil Pollution Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, (the Act), section 5002, to foster the long-term partnership among industry, government, and local communities in overseeing compliance with the

environmental concerns in the operation of terminal facilities and crude-oil tankers. Subsection 5002(o) permits an alternative voluntary advisory group to represent the communities and interests in the vicinity of the terminal facilities in Prince William Sound (PWS), in lieu of a council of the type specified in subsection 5002(d), if certain conditions are met.

The Act requires that the group enter into a contract to ensure annual funding, and that it receive annual certification by the President to the effect that it fosters the general goals and purposes of the Act, and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound. Accordingly, in 1991, the President granted certification to the Prince William Sound Regional Citizen's Advisory Council (PWS RCAC). The authority to certify alternative advisory groups was subsequently delegated to the Commandant of the Coast Guard and redelegated to the Commander, Seventeenth Coast Guard District.

On June 26, 2001, the Coast Guard announced in the **Federal Register** the availability of the application for recertification that it received from the PWS RCAC and requested comments (66 FR 33989). Twenty comments were received.

Discussion of Comments

In conducting the review in the recertification process, all comments were considered. Of the comments received, 19 were supportive of recertification and noted the positive efforts, good communication, and broad representation of PWS communities as PWS RCAC carries out its responsibilities as intended by the Act. One commenter recommended the Coast Guard not certify the PWS RCAC because it is not broadly representative of all interests and communities in the area. The following summarizes the Coast Guard's analysis of the issues raised during the review process.

One commenter, representing a native village within Prince William Sound stated that because the village was not represented on the PWS RCAC Board of Directors, the PWS RCAC did not meet the requirements of being broadly representative of the interests and communities in the area. OPA 90 does not require that the PWS RCAC Board of Directors have a formal representative from each tribal village in order to be broadly representative of the PWS community. Upon investigation, it was noted that many members of the village live in a community that is represented on the PWS RCAC Board of Directors and many are members of a Native Corporation that is represented on the board. The PWS RCAC Board of Directors advertises its meetings, moves the meetings to locations throughout PWS, and publicizes the work they perform through the press and a web site in their efforts to ensure all communities throughout PWS are familiar with and have an opportunity to comment on their activities. The Coast Guard does not agree that lack of specific, formal representation of this village on the PWS RCAC Board of Directors indicates that the PWS RCAC is not broadly representative of the communities and interests in the area. However, while there may be areas of commonality between a native village and the larger community and Native Corporations they belong to, the specific concerns of a native village are not always shared by these other entities. The Coast Guard recommends that PWS RCAC contact this village to learn their specific concerns about how the oil terminal and tanker operations affect their village. The Coast Guard also recommends that the village seek membership on the PWS RCAC Board of Directors, consistent with section 2732(d)(A)(2)(iii) of the Act.

Upon review of the information submitted by PWS RCAC as part of the certification package, it was noted that in a routine annual audit of the PWS RCAC's financial statements, the auditor performing the audit made several recommendations for improving the financial management of the organization. In particular, the auditor noted that allowing members to use RCAC funds to cover travel costs when combining official travel and personal travel and then repay the RCAC after the fact for the personal expenditures necessitates increased oversight to ensure RCAC is repaid and additional accounting is properly managed. The auditor recommended against continuing this practice. The Coast Guard agrees and recommends that this change be made prior to the next certification cycle.

During the review period, the Coast Guard was made aware of concerns from within the RCAC of whether PWS RCAC policies for travel and recordkeeping were consistent with best business practices. A review of travel policies identified some areas that could be improved to ensure that the PWS RCAC's administrative costs remain consistent with the goals of OPA 90. Based on this finding and the general concerns raised, the Coast Guard initiated an audit with the full cooperation of PWS RCAC to evaluate PWS RCAC's policies and practices against commonly accepted principles of similarly situated organizations. This audit is currently ongoing. Based on the results, the Coast Guard may have recommendations for PWS RCAC that will need to be implemented before the next annual certification.

Not withstanding the issues described above, the PWS RCAC continues to make great progress on projects that promise to significantly improve oil terminal and tanker operations in PWS, such as the ice radar project, the Valdez Marine Terminal's fire prevention and response system, and work on Geographic Response Strategies.

Upon review of the comments received regarding the PWS RCAC's performance during the past year and the information provided by the RCAC in their annual report and recertification package the Coast Guard finds the PWS RCAC meets the criteria established under the Oil Pollution Act, and that recertification in accordance with the Act is appropriate.

Recertification: By letter dated September 7, 2001, the Commander, Seventeenth Coast Guard certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on January 31, 2002.

Dated: September 7, 2001.

T. J. Barrett,

Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.

[FR Doc. 01–23343 Filed 9–18–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–10615]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The National Offshore Safety Advisory Committee (NOSAC) and its Subcommittees will meet to discuss various issues relating to offshore safety. All meetings will be open to the public.

DATES: NOSAC will meet on Thursday, November 8, 2001, from 9 a.m. to 3 p.m. The Subcommittee on Deepwater Activities will meet on Wednesday, November 7, 2001, from 8 am to 10 am, and the Subcommittee on Prevention Through People will meet on Wednesday, November 7, 2001 from 10 am to 12 midday. These meetings may

close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before October 24, 2001. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before October 24, 2001.

ADDRESSES: NOSAC will meet in room 737 (Hearing Room) of the Coast Guard Marine Safety Office, 1615 Poydras Street, New Orleans, LA. The Subcommittee on Deepwater Activities and the Subcommittee on Prevention Through People will also meet in room 737 of the Coast Guard Marine Safety Office, 1615 Poydras Street, New Orleans, LA. Send written material and requests to make oral presentations to Captain M. W. Brown, Commandant (G-MSO), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Captain M. W. Brown, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202–267–0214, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meetings

National Offshore Safety Advisory Committee. The agenda includes the following:

(1) Report on issues concerning the International Maritime Organization and the International Organization of Standardization.
(2) Progress report from the Prevention Through People Subcommittee on ''Crew Alertness in the Offshore Industry.''
(3) Progress report from Subcommittee on Deepwater Activities.
(4) Report from Task Force on development and implementation of STCW Convention for OSVs.
(5) Progress report from the Subcommittee on Pipeline-Free Anchorages.
(6) Status reports on revision of 33 CFR Subchapter N.
(7) Status report on USCG/MMS rulemaking on Inspection of Fixed Facilities.
(8) Presentation on Coast Guard Deepwater Project.
(9) Discussion on IMO in-service testing of lifeboats.

Subcommittee on Deepwater Activities. The agenda includes the following:

(1) Review and discuss previous Subcommittee work.
(2) Outline Draft report.

Subcommittee on Prevention Through People. The agenda includes the following:

(1) Subcommittee members provide Chairman with comments from their review of material sent out to them.
(2) Work on outline of Draft report.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than October 24, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than October 24, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 25 copies to the Executive Director no later than October 24, 2001.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: September 11, 2001.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 01–23278 Filed 9–18–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2001–9119]

Extension of Public Meeting; Commercial Launch Industry

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Public Meeting.

SUMMARY: The FAA is extending through September 28, 2001, 4:30 p.m. EST an on-line public forum on the Internet seeking comments and information from the public regarding the government's role in supporting the U.S. commercial launch industry. In particular, the FAA is asking whether and why the government should continue to share the risk of liability for commercial launches in the unlikely event of an accident, or consider changes to existing laws. Public views obtained from the on-line forum will be included in a report to Congress on the appropriateness and need to continue current risk-sharing arrangements or modify laws governing liability risk-sharing for commercial launches and reentries beyond December 31, 2004.

DATES: The on-line public forum that began on September 4, 2001, at 9 a.m. EST is extended through September 28, 2001, at 4:30 p.m. EST. Written comments may also be submitted to the docket through September 28, 2001. Comments submitted to the docket after September 28th will be considered and included in the report to the extent practicable; however, the FAA encourages timely submission of comments to facilitate preparation of the report.

ADDRESSES: The on-line public forum can be reached by clicking the ''On-Line Public Forum'' hyperlink on the Associate Administrator for Commercial Space Transportation's (AST) Internet home page, *http://ast.faa.gov.* Persons unable to participate in the on-line public forum may mail or deliver views to the U.S. Department of Transportation Dockets, Docket No. FAA–2001–9119, 400 Seventh Street, SW., Washington, DC, 20590. The FAA requests two copies of any written comments. Comments may also be submitted to the docket electronically by sending them to the Documents Management Systems (DMS) at the following Internet address: *http://dms.dot.gov/.* Comments to the docket should be submitted by September 28, 2001. Comments submitted to the docket may be examined in Room PL 401 at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590, between 10 a.m. and 5 p.m. weekdays except Federal holidays, and may be viewed by accessing the DMS using the Internet cite noted above.

FOR FURTHER INFORMATION CONTACT: Ms. Esta M. Rosenberg, Senior Attorney-Advisory, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, U.S. Department of Transportation (202) 366–9320, or Mr. Ronald K. Gress, Manager, Licensing and Safety Division, Associate Administrator for Commercial Space Transportation, Federal Aviation Administration, U.S. Department of Transportation (202) 385–4700.

SUPPLEMENTARY INFORMATION:

Background

The FAA is extending an opportunity for the interested public to provide its perspective, using the Internet, on the appropriate role of government in risk management for commercial space transportation and associated issues concerning U.S. policies in support of a robust commercial launch industry. Through the Internet, a large cross-section of the interested public will be able to share views and information with each other and the FAA, and assist the FAA in compiling the range of perspectives concerning an appropriate risk-sharing regime for commercial space transportation. A docket also remains available for filing written comments, either by mail or electronically, following the instructions listed above under the heading, **ADDRESSES.**

The on-line public forum will allow electronic discussion of the issues identified for analysis by the Commercial Space Transportation Competitiveness Act of 2000. Background information regarding the Commercial Space Transportation Competitiveness Act of 2000 and liability risk-sharing for commercial space transportation appears in a notice issued July 31, 2001, at 66 FR 39545–39548.

The format and questions presented in the extended ''On-Line Public Forum'' are the same as those appearing in the July 31 notice. They are reprinted in this notice for ease of reference.

There are two sets of questions. The first set of questions asks, in a general way, for public views concerning government support of the commercial space launch industry. The second set of questions repeats the questions posed in an on-line public forum held April 27–May 11, and addresses the specific elements Congress has required the FAA to study in preparing the report. At the end of the questions, the FAA provides a more ''free-style'' opportunity for submission of views on matters related to launch liability, risk management and government policies in support of the U.S. commercial space launch industry.

If you would like to participate in the on-line forum, you are not required to answer all of the questions and you are not required to respond to all parts. You may answer as few or as many of the questions as you like, in either or both parts, as well as in the ''free-style'' section. You may choose to respond only in the ''free-style'' section and skip over the two sets of questions in Parts I and II entirely. If you choose to respond to a question, please be specific in your answer so that it is clear to the FAA and others who may view the on-line public meeting. To the extent you can, please provide supporting information and the rationale for your answer.

Part I

There are eight questions listed in this part. You may answer none, some or all of them, and then proceed to Part II.

1. Before reading this Notice, were you aware that a commercial launch industry exists in the United States, in addition to government launch capability (e.g., military space programs operated by the Department of Defense and civil space programs administered by NASA), and that private companies offer launch services as a commercial business?

2. Is it important to you that the United States have a successful and internationally competitive commercial launch industry with a significant, if not majority, share of the international launch market, and if so, why? Do you believe there is a benefit to our nation from having a robust commercial launch industry and from being a well-established world leader in space?

3. Before reading this Notice, were you aware that the FAA licenses and regulates commercial launches in the United States?

4. Before reading this Notice, were you aware that launch operators licensed by the FAA are required, by law, to maintain a prescribed amount of liability insurance?

5. Before reading this Notice, were you aware of the government's involvement in providing coverage, that is, ''indemnification,'' for excess liability over and above that which is covered by the liability insurance a launch operator is required to purchase when conducting a licensed launch in the United States?

6. A government-industry risk sharing arrangement, such as that reflected in the CSLA and described in this Notice, may be unusual for a commercial industry, but it is not unique. For example, indemnification of excess liability is credited with enabling commercial development of the nuclear power industry. Do you think it is important and appropriate for the government to continue to support the U.S. commercial launch industry by having some type of liability risk-sharing program, such as the one described in this Notice, and can you state why?

7. Other governments financially support their launch industry through indemnification commitments. For example, the French Government is responsible for paying damages awarded to victims of Arianespace launches in excess of the insurance obtained by Arianespace. Do you believe that the U.S. Government should continue to have policies and laws, such as the CSLA risk-sharing program described in this Notice, so that U.S. companies can compete on similar terms against their international competitors?

8. If you answered ''yes'' to Question 7, above, under what circumstances do you believe the U.S. Government should or could stop supporting the U.S. commercial launch industry through risk sharing? What criteria (e.g., market share, technological success, other considerations) would you use in deciding that a risk-sharing arrangement between government and industry is no longer necessary or appropriate?

Part II

Reprinted below are the questions presented in the first Internet public meeting, conducted April 27–May 11. You may answer none, some or all of them, and then proceed to Part III.

1. Could the U.S. commercial space transportation industry compete effectively against non-U.S. launch providers without the existing liability risk-sharing regime?

2. Are the liability risk-sharing regimes of other space-faring countries relevant to the competitiveness of the U.S. space transportation industry? Are there specific elements of particular foreign regimes that you believe provide advantages or benefits to entities that fall under those regimes and the ability of non-U.S. launch providers to compete internationally?

3. Does holding a launch operator strictly liable for the damage or injury that results from its launch hinder the commercialization of space launch capability?

4. By treaty, the U.S. Government accepts absolute liability for damage on the ground or to aircraft in flight outside of the United States when a launch takes place from U.S. territory or facilities. Given the Government's obligations in this regard, does the existing liability risk-sharing regime provide adequate coverage and financial protection for the commercial space transportation industry as well as the Government?

5. U.S. and foreign air carriers operating in the United States are required to maintain insurance coverage in certain minimum amounts covering liability to passengers and persons and property on the ground. For aircraft with more than 60 seats or more than 18,000 pounds of capacity, carriers must maintain third-party accident liability coverage in the minimum amount of

$300,000 for any one person other than a passenger and a total of $20 million per involved aircraft for each occurrence. There is no government indemnification in the event claims exceed that amount, nor does the U.S. Government accept treaty-based liability in the event of such damage. At what stage of development and under what circumstances should the airline liability regime become a model for commercial reusable launch vehicles (RLVs) that will routinely take-off and land?

6. The Federal Government's current indemnification policy does not cover risks associated with commercial spaceport operations that do not involve launch vehicles. Do commercial spaceports require a liability risk-sharing regime comparable to that utilized for licensed launches and reentries, even when there is no vehicle-related activity taking place at the spaceport?

7. What factors should the U.S. Congress consider in determining whether to continue as-is, or modify, existing laws in terms of liability risk-sharing for commercial space launch and reentry activities?

8. What suggestions do you have for modifying the existing liability risk-sharing laws applicable to commercial launch and reentry activities?

Part III

This part provides an opportunity for you to express your views and concerns on matters related to launch liability, risk management and government policies in support of the U.S. commercial space launch industry. You are welcome to use this opportunity to inform the FAA of your views regarding U.S. commercial space transportation in general, and the government's role in facilitating and supporting commercial access to space and regulating launch safety.

Issued in Washington, DC, on September 12, 2001.

Patricia Grace Smith,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 01–23420 Filed 9–18–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 10, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 19, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1623.

Regulation Project Number: REG–246256–96 NPRM and Temporary.

Type of Review: Extension.

Title: Excise Taxes on Excess Benefit Transactions.

Description: The rule affects organizations described in Internal Revenue Code sections 501(c)(3) and (4) (applicable tax-exempt organizations). The collection of information entails obtaining and relying on appropriate comparability data and documenting the basis of an organization's determination that compensation is reasonable, or a property transfer (or transfer of the right to use property) is at fair market value. These actions comprise two of the requirements specified in the legislative history for obtaining the rebuttable presumption of reasonableness. Once an applicable tax-exempt organization satisfies the requirements of the presumption, section 4958 excise taxes can only be imposed if the IRS develops sufficient contrary evidence to rebut the probative value of the evidence put forth by the parties to the transaction.

Respondents: Not-for-profit institutions.

Estimated Number of Recordkeepers: 150,427.

Estimated Burden Hours Per Recordkeeper: 6 hours, 3 minutes.

Estimated Total Recordkeeping Burden: 910,083 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–23276 Filed 9–18–01; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Wednesday,
September 19, 2001

Part II

The President

Proclamation 7465—National Farm and Ranch Safety and Health Week, 2001

Proclamation 7466—Citizenship Day and Constitution Week, 2001

Proclamation 7467—Minority Enterprise Development Week, 2001

Federal Register
Vol. 66, No. 182
Wednesday, September 19, 2001

Presidential Documents

Title 3—

The President

Proclamation 7465 of September 17, 2001

National Farm and Ranch Safety and Health Week, 2001

By the President of the United States of America

A Proclamation

Our Nation's agriculture industry represents 13 percent of our economy and remains central to our prosperity at home and our competitiveness abroad. At the core of this industry are countless dedicated farmers and ranchers working to produce food stuffs at a level of efficiency and quality unrivaled around the globe. In many ways, agriculture ranks among the most crucial of our Nation's industries; and yet, its reliability and productivity are often taken for granted.

Our farmers and ranchers face significant challenges and uncertainty, from inclement weather to damaging insects. They also face health and safety dangers, from exposure to chemicals and the operation of machinery to tending livestock. In 1999, the agriculture industry suffered more than 770 deaths and 150,000 disabling injuries. Of these victims, many were children and young people injured or killed in preventable farm and ranch accidents.

Progress is being made in developing technology that makes farm and ranch work safer. Safety equipment features for tractors, such as roll-over protective structures, bypass starter covers, and hazard warning lights, aid in the prevention of injuries and save lives. Sunscreens, hearing protection devices, and other personal protective equipment reduce the serious health problems caused by toxic gases, chemicals, and harsh environmental conditions. We must increase awareness of the availability of safety and health protection measures. I encourage farmers and ranchers to develop safety and health plans that meet the needs of their businesses, families, and employees. Safety equipment should be installed, maintained regularly, and used consistently. Children also must be taught to recognize risks on the farm and ranch and to help with chores safely.

Despite many hazards and uncertainties, America's farmers and ranchers remain among the most dedicated and productive contributors to our Nation's economy. I am committed to supporting the American farmer and rancher, and my Administration will help those facing financial difficulties caused by storms, droughts, or any other unforseen natural catastrophe. In times of emergency, farmers and ranchers will get the assistance they need, when they need it. I recently signed a $5.5 billion agriculture supplemental bill that affirms my commitment to maintaining a strong and healthy agricultural economy.

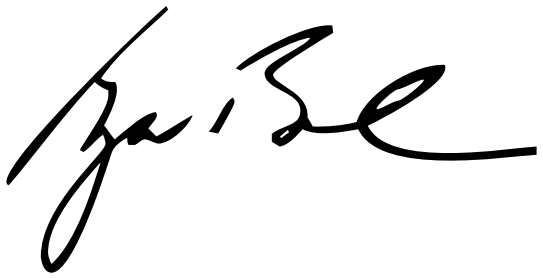
My Administration also will support tax-deferred savings accounts to help farming and ranching families guard against downturns. To keep farms and ranches in a family from generation to generation, we are eliminating the death tax. Finally, farmers and ranchers need foreign markets to sell their products, and I will work hard to ensure that agriculture is a top priority in future trade negotiations.

Our Nation owes a debt of gratitude to our farmers and ranchers for helping to ensure stability in our economy, for providing food products that amply meet all our citizens' needs, and for representing what is best about America. They show the character and values that have made this country strong, values of love and family, faith in God, and respect for nature. We honor

them by encouraging safe farming and ranching practices that improve and protect the lives of all farmers and ranchers.

NOW, THEREFORE I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 16 through September 22, 2001, as National Farm and Ranch Safety and Health Week. I call upon agriculture-related agencies, organizations, and businesses to strengthen their commitment to provide quality safety and health training to farmers, ranchers, and their families. I also call upon citizens to recognize the sacrifice and dedication of those individuals and communities whose work in agriculture provides the quality food that we enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.



[FR Doc. 01–23620
Filed 09–18–01; 12:17 pm]
Billing code 3195–01–P

Presidential Documents

Proclamation 7466 of September 17, 2001

Citizenship Day and Constitution Week, 2001

By the President of the United States of America

A Proclamation

As the delegates to the 1787 Constitutional Convention in Philadelphia began working on what would become the United States Constitution, they grasped that a great democracy must be built on the twin foundations of national consent to a Federal Government and respect for individual rights. After more than two centuries of continual cultural, legal, and economic change, our unique experiment in self-government has borne successful witness to the prescient genius and timeless wisdom of our Founding Fathers. Throughout America's history, in times of turmoil and peace, liberty and oppression, our faith in the Constitution's promise of freedom and democracy has been a steadfast rock of national stability against the raging seas of political change. Today, in the face of the terrorist attacks of September 11, 2001, we must call upon, more than ever, the Constitutional principles that make our country great.

In creating our Nation's Constitutional framework, the Convention's delegates recognized the dangers inherent in concentrating too much power in one person, branch, or institution. They wisely crafted a Government that balanced the functions and authority of a Federal system among three separate but equal branches: the Executive, the Legislative, and the Judicial. As a further check on central power, the Framers granted citizens the right to vote, giving them the power to express their political preferences peacefully and thereby to effect change in the Government.

The Convention delegates ratified the Constitution on September 17, 1787, and submitted it to the States for approval. After much deliberation and discussion at the State level, the following two concerns emerged from among those who feared the Constitution's proposed centralization of Federal power: (1) the threat of tyranny; and (2) the loss of local control. To address these fears, our Founders amended the Constitution by adding a Bill of Rights. These ten amendments provided a series of clear limits on Federal power and a litany of protective rights to citizens. This development underscored the important and enduring Constitutional principle of enumerated powers, and it set our national course on a route that would eventually enhance and expand individual rights and liberties.

Today, our Nation celebrates not only the longest-lived written Constitution in world history, but also the enduring commitment of our forebears who upheld the Constitution's core principles through the travails of American history. They pursued a more perfect Union as abolitionists, as suffragists, or as civil rights activists, successfully seeking Constitutional amendments that have strengthened the protections provided to all Americans under law. In so doing, they rendered the moral resolve of our Nation stronger and clearer.

Our Republic would surely founder but for the faith and confidence that we collectively place in our Constitution. And it could not prosper without our diligent commitment to upholding the Constitution's original words and implementing its founding principles. From the noble efforts of public servants to the civic acts of local people, our continuous Constitutional

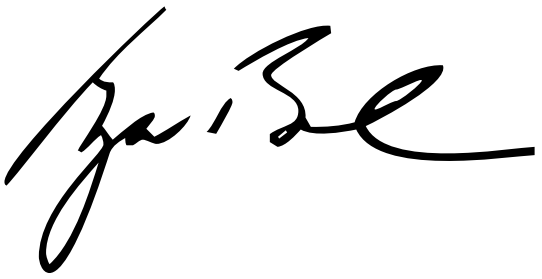
engagement has proved to be an exceptional feature of our Nation's prosperous development.

To continue this legacy, each of us must recognize that we bear a solemn responsibility to promote the ideals of freedom and opportunity throughout our land. We each should serve our Nation by actively supporting and shaping our Government's institutions, by working together to build strong communities, and by loving our neighbors. Doing this will ensure that the American dream will become real for every willing citizen; and, in fulfilling this call together, we will honor the spirit of our powerful and enduring Constitution.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as ''Citizenship Day,'' and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as ''Constitution Week.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 17, 2001, as Citizenship Day and September 17 through September 23, 2001, as Constitution Week. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that celebrate our Constitution and reaffirm our commitment as citizens of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.



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Presidential Documents

Proclamation 7467 of September 17, 2001

Minority Enterprise Development Week, 2001

By the President of the United States of America

A Proclamation

More than three million minority business owners across the United States are helping to build a stronger America. These hardworking men and women contribute everyday to the economic development of their communities by creating jobs and other opportunities for their neighbors. Minority business entrepreneurs represent the best of the American spirit, in their determination to overcome obstacles and in their striving for better lives for themselves and for their families.

My Administration encourages the growth and success of minority businesses across the United States by giving them the tools to succeed. The recent passage of the largest tax cut in nearly two decades is just one of those tools. We also slashed the bottom Federal income tax rate from 15 percent to 10 percent and thereby put more money into the hands of consumers and entrepreneurs. We are eliminating the death tax that has been such a heavy burden on our minority business owners. And I signed into law, Public Law 107-16, the ''Economic Growth and Tax Reconciliation Act of 200l,'' that will increase lower income groups' access to the middle class, promote equal opportunity, and encourage entrepreneurship.

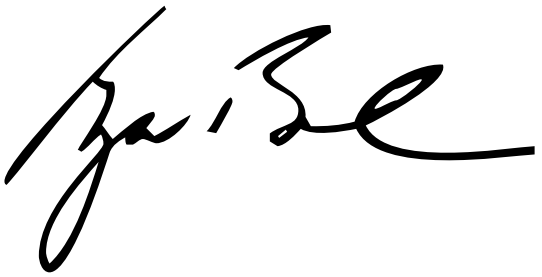
One important way that we can encourage entrepreneurial growth in the minority-owned business community is to open up new markets abroad for American products. If Congress gives me trade promotion authority (TPA), I will have the negotiating power to knock down the trade barriers that prevent American goods from entering some markets around the world. The growth and expanded opportunities that TPA would bring will mean jobs for many working people and more opportunities for minority-owned businesses.

As we celebrate the achievements of our Nation's minority entrepreneurs during Minority Enterprise Development Week, we also affirm our commitment to the principle of equal opportunity. My Administration is working hard to achieve an historic reform in our education system that will significantly improve our schools and make sure that no child is left behind. My agenda also supports effective job training for all Americans to ensure that the American dream touches every willing heart. In so doing, we will enhance our Nation's strength and productivity, while creating more vibrant communities and improved standards of living for every citizen.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 23 through September 29, 2001, as Minority Enterprise Development Week. I urge all Americans to join in observing this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand one, and of the

Independence of the United States of America the two hundred and twenty-sixth.



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H.R. 93/P.L. 107–27

Federal Firefighters Retirement Age Fairness Act (Aug. 20, 2001; 115 Stat. 207)

H.R. 271/P.L. 107–28

To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. (Aug. 20, 2001; 115 Stat. 208)

H.R. 364/P.L. 107–29

To designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''. (Aug. 20, 2001; 115 Stat. 209)

H.R. 427/P.L. 107–30

To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. (Aug. 20, 2001; 115 Stat. 210)

H.R. 558/P.L. 107–31

To designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse''. (Aug. 20, 2001; 115 Stat. 213)

H.R. 821/P.L. 107–32

To designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building''. (Aug. 20, 2001; 115 Stat. 214)

H.R. 988/P.L. 107–33

To designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''. (Aug. 20, 2001; 115 Stat. 215)

H.R. 1183/P.L. 107–34

To designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''. (Aug. 20, 2001; 115 Stat. 216)

H.R. 1753/P.L. 107–35

To designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''. (Aug. 20, 2001; 115 Stat. 217)

H.R. 2043/P.L. 107–36

To designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''. (Aug. 20, 2001; 115 Stat. 218)

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